THE UNIVERSITY
OF ILLINOIS
LIBRARY

328.712
C162
1894

8964

# DEBATES

OF

# THE SENATE

OF THE

# DOMINION OF CANADA

# 1894

REPORTED AND EDITED BY

HOLLAND BROS.

*Official Reporters of the Senate of Canada*

FOURTH SESSION—SEVENTH PARLIAMENT

OTTAWA
PRINTED BY S. E. DAWSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
1894

328.712
C162
1894

# THE DEBATES

OF THE

# SENATE OF CANADA

IN THE

FOURTH SESSION OF THE SEVENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE FIFTEENTH DAY OF MARCH, IN THE FIFTY-SEVENTH YEAR OF THE REIGN OF

## HER MAJESTY QUEEN VICTORIA

### THE SENATE.

*Ottawa, Thursday, March 15th, 1894.*

THE SPEAKER took the chair at 2:30 p.m.

Prayers.

The House adjourned during pleasure.

After some time the House was resumed.

### THE SPEECH FROM THE THRONE.

This day, at THREE o'clock P.M., HIS EXCELLENCY THE GOVERNOR GENERAL proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the FOURTH SESSION of the SEVENTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech :—

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

In the Queen's name I greet you, for the first time since assuming the high functions intrusted to me by Her Majesty ; and it is with feelings of the liveliest satisfaction that I thus meet you assembled for the labours of another session of Parliament.

This feeling of satisfaction is enhanced by the opportunities which I have already enjoyed of visiting, and in my official capacity renewing acquaintance with, several of the chief centres of the enterprise and activity of this Dominion ; nor need I refrain from assuring you that I have been deeply impressed by the heartiness of the reception accorded to me as Her Majesty's Viceroy and Representative, a reception which has once more manifested the loyalty, the cordiality and the public spirit of the Canadian people.

My predecessor was able to express gratification to you last year, on an increase in trade and on the continued progress of the Dominion. It is gratifying to me to observe that the expectation which was then formed—that the volume of trade during the then current year would exceed that of any year in the history of the Dominion—has been fully realized, and that Canada's progress continues with every mark of stability and permanence.

It may be observed with satisfaction that a large proportion of this increase is shown to have been due to an extension of our commerce with Great Britain.

It is a cause of thankfulness that our people have been spared in a very great degree from the sufferings which have visited the populations of some other countries during many months past, and that while the commercial depression prevailing abroad could not but affect the activity of business in the Dominion, we have been free from any extensive financial disaster or widespread distress.

The revenues of the year have been ample for the services which you provided for, and have met the expectations on which the appropriations of last year were based.

The peaceful conclusion, by the award of the arbitrators at Paris, of the controversy which had prevailed so long, with respect to the Seal Fisheries in the Pacific Ocean and the rights of British subjects in Behring Sea, has removed the only source of contention which existed between Great Britain and the United States with regard to Canada. There is every reason to believe that Her Majesty's Government will

572762

obtain redress for those Canadian subjects of Her Majesty who were deprived of their property and liberty without just cause while the controversy was in progress.

At an early date a measure will be laid before you having for its object a revision of the Duties of Customs with a view to meet the changes which time has effected in business operations of all kinds throughout the Dominion. While my Ministers do not propose to change the principles on which the existing enactments on this subject are based, the amendments which will be offered for your consideration are designed to simplify the operation of the tariff and to lessen, as far as can be done, consistently with those principles and with the requirements of the Treasury, the imposts which are now in force.

There will also be laid before you a measure on the subject of Bankruptcy and Insolvency which will, it is hoped, make more adequate provision than now exists on that subject for the increasing trade and commerce of the country and for the greatly expanded trade between the several provinces of Canada.

Measures will also be submitted to you making more effective provisions for our lines of steam communication on the Atlantic and Pacific Oceans, for improving the law with regard to Dominion Lands and with regard to the management of Indian Affairs; also a Bill respecting Joint Stock Companies, another with respect to the Fisheries, and several less important measures which experience has suggested with regard to various matters under your control.

*Gentlemen of the House of Commons:*

The Public Accounts will be submitted to you at an early date and also the estimates of the expenditure which has been considered necessary for the ensuing year.

*Honourable Gentlemen of the Senate:*

*Gentlemen of the House of Commons:*

While it is hoped that the public measures which will demand your attention will not be very numerous, some of them will be of great weight and importance, and it is my earnest hope and prayer that the care and zeal which you will apply to the deliberations of the session may be aided by the abundant blessing of the Almighty.

## NEW SENATOR.

Hon. Donald Ferguson, of Marshfield, P.E.I., was introduced and took his seat.

## BILL INTRODUCED.

Bill "An Act relating to Railways." (Mr. Bowell.)

## THE ADDRESS.

MOTION.

Hon. Mr. BOWELL moved that the House do take into consideration the Speech of His Excellency the Governor General on Monday next.

The motion was agreed to.

The Senate adjourned at 4 p.m.

## THE SENATE.

*Ottawa, Monday, March 19th, 1894.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## THE LATE SENATORS ABBOTT, BOYD AND MONTGOMERY.

Hon. Mr. BOWELL—Before the Orders of the Day are called, it is my painful duty to express the regret which I am sure we all feel at the death of Hon. Sir John Caldwell Abbott, the late leader of this House, who, after a long and wasting illness, was called to his rest in November last. His removal is a serious loss to this House and to the country. By all of us he was esteemed for his sterling character and admired for his great ability. In manner he was singularly unostentatious, and yet there were few men in this country of richer talents. As a lawyer he stood at the head of his profession, and as a statesman he exhibited that sagacity and unshakable patriotism which made him of great service to his country. He entered public life when yet a young man, but his splendid abilities were soon recognized, and in 1862 he was called to the high office of Solicitor General. He held that portfolio until the fall of the John Sandfield Macdonald Government in the following year. His career was marked by restless activity and by the creditable discharge of high public and private trusts. He entered this House in 1887, and by his unchanging affability and perfect fairness, soon won the confidence and admiration of political friend and opponent alike. As the leader of this House the public records attest his attention to duty and his mastery of the legislation in hand. It will be long before another of such attainments and capacity for leadership will fill his place. With these few utterances I desire to record my own deep sense of loss by the death of an old and long-tried political and personal friend. The hand of death has also taken from us two other highly esteemed members of this House—the Hon. Donald Montgomery and the Hon. John Boyd. We shall all miss the hon. member from Prince Edward Island for his genial and kindly nature, as well as for his counsel. His twenty years of service were marked by faithfulness and ability. The circumstances surrounding the death of Hon. Mr. Boyd were particularly

sad. After fifteen years of earnest service in this House he had been called to the honourable position of Lieutenant-Governor of his adopted province, and had hardly more than assumed the high functions given him than he was suddenly stricken down. His memory will long linger with us for his goodness of heart, and the aid he afforded us by his judgment on all matters brought before the House. I can only express my sense of the great loss which this House has sustained through the death of its late leader.

Hon. Mr. SCOTT—I most cordially agree with all that has fallen from the lips of the leader of this Chamber in reference to the late Sir John Abbott. It was my privilege to know him intimately, personally, more than thirty years ago, and I can therefore vouch, from my own knowledge and experience, that the Minister, in expressing himself as he has done, in reference to the qualifications of the late Sir John Abbott, has not, in any sense, exaggerated. He was above all a warm personal friend. Though we had been politically separated for many years, it in no way disturbed the social relations existing between us. I think that is the best test of the character of any man—that he is true to the natural instincts of a gentleman. Sir John Abbott would, no doubt, have occupied at a much earlier period in life, an important position in this country, had he so chosen. I was with him at the time when he was offered the position of Solicitor General for the province of Quebec. We sat in Parliament together at that time and were in each other's confidence. Had Sir John Abbott chosen to follow more closely than he did a parliamentary career, I have no hesitation in saying that at a much earlier period, he would have occupied the high position which two years ago he was called upon to fill in this country. I did not know the late Senator Montgomery before he became a member of this Chamber, but I have reason to appreciate all that has been said by the hon. Minister of Trade and Commerce in reference to his excellent qualities. Always kind-hearted, always open, candid and frank, he gave his judgment on the committees of this House fairly, and with every desire to do what he thought was right and proper. While a close adherent to his own party in all political matters, he was nevertheless courteous and considerate towards those who differed from him politically. I may say the same of the late Mr. Boyd. He was a man possessed of high qualities, an able speaker, a most interesting lecturer—one who was socially, I believe, in his own province, highly esteemed for his many excellent qualities. It was a very great source of regret to us all to hear that he had been cut off so suddenly and so soon after the honour of the Lieutenant Governorship had been conferred upon him. I am quite sure had he continued to fill that position for the allotted term, no man would have been more personally popular in the position to which he was called, than would have been the late Hon. Mr. Boyd.

Hon. Mr. ALLAN—Having been for many years on terms of intimate friendship with the late Sir John Abbott, I may be allowed, perhaps, to say a few words on this occasion. I wish to add to the very feeling and appropriate remarks to which we have just listened from the leader of the House, this further remark, that in the late Sir John Abbott we had the example of one who sacrificed his own ease and comfort, and even health itself, to what he considered to be a matter of public duty. I know well that so far as any personal considerations were concerned, no one could have been less desirous of assuming the high position to which he was called, than was Sir John Abbott, and that it was entirely from a sense of public duty, that he consented to make the sacrifice, and assumed the duties and responsibilities which led undoubtedly to the failing health which was so soon to terminate his career. For these reasons the name of Sir John Abbott ought always to be held in honour, and especially in the House of which he was so long the leader. The Senate has indeed been very fortunate in the men who have led its deliberations for many years past. In Sir John Abbott, like his predecessor, Sir Alexander Campbell, we had a leader not only of great ability, but whose tact and courtesy conduced not a little to the satisfactory conduct of the business of the House and to the preservation of good feeling among all the members, and we have reason to congratulate ourselves that these traditions are being perpetuated under the present leadership of the House. On this occasion I think it is only fitting that we should renew the expression of our strong

sense of the advantage it was to this House in having for many years as its leader such a man as the late Sir John Abbott, as well as the deep appreciation of the great sacrifices which he made in the service of his country.

Hon. Mr. ARMAND—(in French)—I wish to add my tribute to the memory of our illustrious colleague who has lately departed to his long home amid the general regrets of his country. Sir John Abbott was one of these men of humble origin, practical and industrious, who appear from time to time, but rarely and at long intervals. When Sir John Abbott left the paternal roof, he carried with him for his sole patrimony a pen behind his ear. Subsequently he demonstrated to the intelligent and industrious young men of his country the truth of that saying that "Where there's a will there's a way." Sir John Abbott showed that by industry, courage, activity and perseverance one can always win honour and fortune and rise in the social scale. I need say nothing more, his career is before us. The history of his life will be a mirror in which the industrious youth of the country can study and learn the means to take to win the success which he achieved.

Hon. Mr. ALMON—I think the hon. leader of this House has omitted to mention the name of one who has left us, and one who was greatly valued here—Mr. Carvell. He was long a member of this House and was known for his geniality towards all, and his usefulness in this Chamber. He did not often address this House, but when he did his phrases were very well turned and he spoke on every subject in which his island was interested. I think the loss of the late Mr. Carvell has slipped the memory of the hon. leader of this House.

Hon. Mr. BOWELL—I assure the House that it was not from any want of respect or admiration for the character of the hon. senator from P.E.I., that I failed to mention his name, but I thought I was going a little beyond my duty in calling the attention of the House to the demise of Mr. Boyd, who was no longer a member of the Senate when he died. Mr. Carvell having left the Senate some four or five years ago, I frankly confess it did not just come to my mind in the same manner as in the cases of two gentlemen who were members of the House and one who had left it since we last met. Had I thought it was my duty to call attention to it, I should have done so, and I assure the House it was not from any want of feeling for the loss of Mr. Carvell or from any want of respect for him that I have not referred to him.

## THE ADDRESS.

### MOTION.

Hon. Mr. FERGUSON (P.E.I.) moved :

That the following Address be presented to His Excellency the Governor General, to offer the respectful thanks of this House to His Excellency for the gracious Speech he has been pleased to make to both Houses of Parliament : namely :—

To His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen ; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland ; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom ; Baronet of Nova Scotia ; Governor General of Canada.

May it Please Your Excellency :—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly thank your Excellency for your gracious Speech at the opening of this Session.

We gratefully acknowledge the greeting which Your Excellency has given us in the Queen's name, for the first time since assuming the high functions intrusted to you by Her Majesty ; and we rejoice to hear that it is with feelings of the liveliest satisfaction you thus meet us assembled for the labours of another session of Parliament.

We are deeply gratified to feel that this satisfaction is enhanced by the opportunities which Your Excellency has already enjoyed of visiting, and in your official capacity renewing acquaintance with, several of the chief centres of the enterprise and activity of this Dominion ; to receive your assurance that you have been deeply impressed by the heartiness of the reception accorded to you as Her Majesty's Viceroy and Representative ; and that you recognize in this reception one more manifestation of the loyalty, the cordiality, and the public spirit of the Canadian people.

Your Excellency's predecessor was able to express gratification to us last year, on an increase in trade and on the continued progress of the Dominion. It is gratifying to us to observe that the expectation then formed—that the volume of trade during the then current year would exceed that of any year in the history of the Dominion—has been fully realized and that Canada's progress continues, with every mark of stability and permanence.

We hear with satisfaction Your Excellency's statement that a large proportion of this increase is shown to have been due to an extension of our commerce with Great Britain.

We cordially agree with Your Excellency that it is a cause of thankfulness that our people have been spared in a very great degree from the sufferings which have visited the populations of some

other countries during many months past, and that while the commercial depression prevailing abroad could not but affect the activity of business in the Dominion, we have been free from any extensive financial disaster or widespread distress.

We are glad to be informed that the revenues of the year have been ample for the services which we provided for, and have met the expectations on which the appropriations of last year were based.

We rejoice that the peaceful conclusion, by the award of the arbitrators at Paris, of the controversy which had prevailed so long, with respect to the seal fisheries in the Pacific Ocean and the rights of British subjects in the Behring Sea, has removed the only source of contention which existed between Great Britain and the United States with regard to Canada. We are also pleased to be informed that there is every reason to believe that Her Majesty's Government will obtain redress for those Canadian subjects of Her Majesty who were deprived of their property and liberty without just cause while the controversy was in progress.

We thank Your Excellency for informing us that at an early date a measure will be laid before us having for its object a revision of the duties of customs with a view to meet the changes which time has effected in business operations of all kinds throughout the Dominion; and that while Your Excellency's ministers do not propose to change the principles on which the existing enactments on this subject are based, the amendments which will be offered for our consideration are designed to simplify the operation of the tariff and to lessen, so far as can be done, consistently with those principles and with the requirements of the treasury, the imposts which are now in force.

We also thank Your Excellency for the information that there will also be laid before us a measure on the subject of bankruptcy and insolvency to make more adequate provision than now exists on that subject for the increasing trade and commerce of the country and for the greatly expanded trade between the several provinces of Canada.

Your Excellency having been pleased to inform us that measures will also be submitted to us making more effective provisions for our lines of steam communication on the Atlantic and Pacific Oceans, for improving the law with regard to Dominion lands and with regard to the management of Indian affairs, also a Bill respecting joint stock companies, another with respect to the fisheries, and several less important measure which experience has suggested with regard to various matters under our control, we respectfully assure Your Excellency that all these measures shall receive our most attentive consideration.

We respectfully concur in Your Excellency's opinion that of the public measures which will demand our attention some will be of great weight and importance, and we sincerely share Your Excellency's earnest hope and prayer that the care and zeal which we shall apply to the deliberations of the session may be aided by the abundant blessing of the Almighty.

I fully appreciate the honour conferred on me by the extension to me on this occasion of that courtesy by which the duty I am about to discharge is usually assigned to a new member. I am sure that in the performance of this duty I will receive, on the ground of my inexperience, the generous consideration of hon. gentlemen. It is true that I have had some experience in another place, yet the greater magnitude of the questions requiring consideration here, the contact on this floor with gentlemen (such as I see around me) of great training and experience in public life, together with my entire unfamiliarity with the rules and usages of this honourable body render my task one of considerable difficulty. The sound of a new voice on this floor reminds hon. gentlemen of the removal of one of their number, a landmark in the political history of Prince Edward Island. The Hon. Donald Montgomery was probably the oldest legislator in the Dominion. He entered the House of Assembly of Prince Edward Island in 1838, and continued a member of either branch of the Legislature until 1873, when he was called to a seat in this honourable House. Although Mr. Montgomery was not a prominent debater yet his strength of character was amply proved by the duration and continuity of his legislative career, while his sterling honesty and charming personality endeared him to the people of his native province, as I am sure they did to the members of this honourable House. Amongst the many changes which have occurred since the prorogation of Parliament, the departure of the late Governor General and the arrival of his successor, are the most important. It is not too much to say that in relinquishing the Government of Canada, and returning to a political career in Great Britain, the Earl of Derby carries with him the highest esteem and best wishes of the people of Canada from the Atlantic to the Pacific. During his administration of the Government he fully maintained the high standard which had been set up by his illustrious predecessors, and has left a noble record for ability, impartiality and devotion to the interests of the people over whom he was called to preside. Not soon will the people of Canada forget the earnest efforts of Lord Derby and his amiable consort to promote the moral, educational and material interests of our Dominion. In the appointment of Lord Aberdeen to the office of Governor General, Her Gracious Majesty has given another proof of her great regard for the interests of Canada. All the appointments of Governor Generals since Confederation have been made from the front rank of British statesmen. The influence of these

appointments has been very great in the past, not only in elevating and directing the tone of public life amongst us, but in securing for Canada, in the persons of retiring Governors, most devoted and influential friends in the councils of the Empire. The present Governor General and the noble lady who shares his joys and responsibility are not strangers to us; indeed, we may claim them as belonging to ourselves, and, as a farmer, I rejoice in the elevation to the Vice-royalty of Canada of a practical and enthusiastic Canadian farmer. It was my good fortune, in the summer of 1892, when on the Pacific coast, to pay a visit to one of the farms of our Governor General in the beautiful valley of the Okanagan, and I was impressed with the greatness of the work that Lord Aberdeen was there doing. I had not at that time seen the Governor General, nor was I very well acquainted with his political career, but I was struck with the educational character of his work in the introduction of new modes of husbandry in that part of our Dominion, and it is a matter of congratulation to the farmers of Canada that the gentleman who has been called to the very high and responsible position of Governor General is one who takes such an active interest in agriculture.

The Speech from the Throne expresses satisfaction at the increased trade and continued progress of our Dominion. It is a cause for congratulation at the present time, when the nations of the earth have suffered from a wave of depression, which has been felt with painful effect in the great republic to the south of us, that in this country we have experienced so little of its effects. It is a matter of great pride and satisfaction to Canada that such is the fact. The speech refers to the great increase in the trade of Canada within the last two years, and expresses satisfaction that a large proportion of that increase is due to an extension of our commerce with Great Britain. While I am proud of any extension of our commerce with the nations of the world, I think I speak the sentiment of Canadians generally, when I say that it is always a ground of satisfaction when the trade follows the flag, and when the increase of our commerce is well maintained with the countries which own allegiance to our Sovereign the Queen. In this connection I shall quote the following figures:—

TRADE WITH GREAT BRITAIN.

| | |
|---|---|
| In 1890-91 | $ 91,328,384 |
| 1891-92 | 106,254,984 |
| 1892-93 | 107,228,906 |
| Increase in 1891-2 over 1890-91 | $14,926,600 |
| 1892-3 do 1891-92 | 973,922 |
| 1892-3 do 1890-91 | 15,900,522 |

Our trade with the neighbouring republic has also made satisfactory progress during the same period. Although there was a slight falling off in 1892, the increase has been marked in 1893:—

TRADE WITH UNITED STATES.

| | |
|---|---|
| In 1890-91 | $ 94,824,352 |
| 1891-92 | 92,125,599 |
| 1892-93 | 102,104,986 |
| Decrease in 1891-92 compared with 1890-91 | $ 2,698,753 |
| Increase in 1890-91 over 1891-92 | 10,019,387 |
| 1892-93 do 1890-91 | 7,286,634 |

Increase of trade with Great Britain for two years 17·4 per cent.

Increase of trade with United States for the last two years 7·6 per cent.

There are several reasons which, I think, make it satisfactory that this increase of trade has occurred with Great Britain. An increase of trade strengthens the bonds of union which, I am sure, we are all desirous should exist between Great Britain and Canada. There is another consideration, that whatever trade we once secure with Great Britain is more likely to be permanent than the trade that we have with any other country. We do not apprehend any danger from very serious fiscal changes, or from any unfriendly attitude towards us, and for that reason we may count on more permanent trade with Great Britain than with other countries. There is another feature of our trade with Great Britain that makes it satisfactory, and that is that the British market generally calls for better products than other countries, and it stimulates the people of Canada to send what they have to spare to the markets of the world in the very best form, in order to command the highest prices. I have often met the statement that our tariff discriminates against the trade of Great Britain, that the fiscal policy of Canada imposes a larger duty on British than on United States goods. That I regard as an incident of all tariffs. On looking over the figures, I find that the very same result occurred under the different tariffs that we have had since confederation, and I attribute it to the fact that Great Britain is not

so large an exporter of raw material as the United States. It has been more or less a feature of the different tariffs that we have had since Confederation to allow raw material for manufacturing purposes to come into the country, if not entirely free, at a much lower duty than manufactured articles. I find the following figures in the Trade and Navigation returns :—

IMPORTS for home consumption from Great Britain for 5 years from 1875 to 1879 inclusive.

| | |
|---|---|
| 1875 | $ 60,347,067 |
| 1876 | 40,934,260 |
| 1877 | 39,572,239 |
| 1878 | 37,431,180 |
| 1879 | 36,295,718 |
| | $214,380,464 |

Duty collected on above :—

| | |
|---|---|
| 1875 | $ 8,881,997 81 |
| 1876 | 6,075,759 82 |
| 1877 | 6,377,596 23 |
| 1878 | 6,445,985 38 |
| 1879 | 5,561,933 02 |
| | $33,343,272 26 |

Rate of taxation on dutiable and free goods 15·55 per cent.

IMPORTS for Home Consumption from United States for five years from 1875 to 1879 inclusive.

| | |
|---|---|
| 1874-5 | $ 50,805,820 |
| 1875-6 | 46,070,033 |
| 1876-7 | 51,312,669 |
| 1877-8 | 48,631,739 |
| 1878-9 | 43,739,219 |
| | $240,559,480 |

Duty collected on the above :—

| | |
|---|---|
| 1874-5 | $ 3,860,087 10 |
| 1875-6 | 4,117,223 40 |
| 1876-7 | 4,426,394 79 |
| 1877-8 | 4,794,599 63 |
| 1878-9 | 5,529,150 64 |
| | $22,727,455 56 |

Rate of duty on dutiable and free goods for this period 9·44 per cent.

Excess of rate on British over U.S. goods, 6·11 per cent.

IMPORTS from Great Britain for fourteen years from 1880 to 1893 inclusive.

| | |
|---|---|
| 1880 | $ 34,461,224 |
| 1881 | 43,583,808 |
| 1882 | 50,597,341 |
| 1883 | 52,052,465 |
| 1884 | 43,418,015 |
| 1885 | 41,406,777 |
| 1886 | 40,601,199 |
| 1887 | 44,962,233 |
| 1888 | 39,298,721 |
| 1889 | 42,317,389 |
| 1890 | 43,390,241 |
| 1891 | 42,047,526 |
| 1892 | 41,348,435 |
| 1893 | 43,148,413 |
| | $602,633,787 |

Duty collected on above :—

| | |
|---|---|
| 1880 | $ 6,737,997 05 |
| 1881 | 8,772,949 97 |
| 1882 | 10,011,811 00 |
| 1883 | 9,897,785 16 |
| 1884 | 8,001,370 74 |
| 1885 | 7,617,249 45 |
| 1886 | 7,817,357 45 |
| 1887 | 9,318,920 08 |
| 1888 | 8,972,739 84 |
| 1889 | 9,450,242 70 |
| 1890 | 9,576,965 75 |
| 1891 | 9,114,271 75 |
| 1892 | 9,074,200 71 |
| 1893 | 9,498,747 08 |
| | $123,862,608 73 |

Rate of taxation on British goods dutiable and free from 1880 to 1893, inclusive 20·55 per cent.

IMPORTS from the United States from 1880 to 1893, inclusive.

| | |
|---|---|
| 1880 | $ 29,346,948 |
| 1881 | 36,704,112 |
| 1882 | 48,289,052 |
| 1883 | 56,032,333 |
| 1884 | 30,492,826 |
| 1885 | 47,151,201 |
| 1886 | 44,858,039 |
| 1887 | 45,107,066 |
| 1888 | 48,481,848 |
| 1889 | 50,537,440 |
| 1890 | 52,291,973 |
| 1891 | 53,685,657 |
| 1892 | 53,137,572 |
| 1893 | 58,221,976 |
| | 674,338,043 |

Duty collected on above :—

| | |
|---|---|
| 1880 | $ 4,521,311 08 |
| 1881 | 5,657,292 75 |
| 1882 | 7,082,722 29 |
| 1883 | 8,158,023 35 |
| 1884 | 7,420,461 79 |
| 1885 | 6,636,405 83 |
| 1886 | 6,790,080 78 |
| 1887 | 7,299,591 68 |
| 1888 | 7,131,006 23 |
| 1889 | 7,413,354 83 |
| 1890 | 8,220,299 55 |
| 1891 | 7,799,318 12 |
| 1892 | 7,814,666 93 |
| 1893 | 7,636,075 81 |
| | 99,580,611 00 |

Rate of taxation on United States goods, dutiable and free, from 1880 to 1893, inclusive, 14·76 per cent.

The rate of taxation on British goods during the period from 1880 to 1893, was 5·79 per cent higher than on United States goods.

I would not call it a discrimination, but the operation of the tariff during the first period of five years was rather more against British trade than it has been during the last fourteen years. The difference is not very great, but whatever difference there is, is against the first period. I account, as I

have already intimated, for this difference in taxation collected on United States and British goods by the fact that we import raw material more largely from the United States, as is shown by the following figures from the returns of last year :—

| | From U. S. | From G. B. |
|---|---|---|
| Anthracite coal and coal dust | $ 6,349,819 | $ 5,466 |
| Tobacco manufactured for excise | 1,616,201 | 546 |
| Cotton wool | 3,188,145 | 13,307 |
| Hides | 1,731,053 | 93,888 |
| | 12,885,118 | 113,207 |

| | |
|---|---|
| Total free goods from United States | 29,659,926 |
| do do Great Britain | 11,279,136 |
| Excess of free goods from the United States | 18,380,780 |
| Total dutiable goods from United States | 33,699,389 |
| do do Great Britain | 31,869,267 |

Items of this character fully account for the difference which must unavoidably exist in regard to the operation of the tariff.

The Speech from the Throne congratulates us on our comparative escape from the depression which has prevailed in almost every other country during the past year. I am inclined to attribute the immunity of Canada from this great and serious depression to causes, some of which I shall refer to—causes which hon. gentlemen will bear me out in saying are very potent influences in warding off such a depression as that which has been passing over the earth. One is our banking system—the adaptability of our system of banking to the wants and necessities of the country. One very powerful reason why our republican neighbours have suffered so severely is that they have not adjusted their banking system to the wants of their country. That system was an abnormal growth of the civil war, and the statesmen of the neighbouring republic have not been alive to the necessities of the time. Had they been, they would have more thoroughly adapted their banking system to the wants and necessities of their country. Another reason is found in our climate. Notwithstanding the grumbling we sometimes hear among our people about the rigorous climate of Canada, I believe, and have always felt, that our climate is calculated to develop a more vigorous and robust type of manhood than more southern latitudes. In no small degree our people are indebted to our rigorous climate for their ability to face difficulties so bravely and successfully as they are doing. Although we sometimes cast jealous eyes on the neigbouring country and envy them the comparative mildness of their climate, I believe that the best part of the republic is found in the strip of country lying within one hundred miles to the south of our boundary, possessing a climate similar to ours, and that if it were not for that portion of their country, the United States would not be as great as it is to-day. It is in the northern portion of the republic that the greatest development is taking place. Although some hon. gentlemen may not agree with me, I think that the moderate character of our fiscal system has had something to do also with our ability to successfully stem the tide of depression prevailing around us. Although we are in the habit of speaking of our tariff as a very extreme one, we should bear in mind that it is very moderate as compared with that of the United States, and just as the banking system of Canada has proved itself to be adapted to the wants of the people, our fiscal system, though it may not be perfect, and may require, as I believe it does, very serious consideration and adjustment, has saved us from disaster—the test of experience has proved that the principles underlying it are adapted to the condition of our country. I feel like congratulating the Government on one very gratifying feature of our public affairs —that is, that having long ago grappled with great public enterprises, such as the Canadian Pacific Railway, and having accomplished what they had undertaken, thereby considerably increasing the debt of the country,—having still liberally provided for such great works, there has not been any serious increase in the taxation of the country during the last ten years. I look upon that as a very gratifying circumstance. In expressing to the members of the Government my views on this point, I am pleased to be the medium of conveying to them the congratulations of a very much greater authority than I am—one whose good opinion, I know, they will very highly appreciate. Ten years ago, a very distinguished gentleman, still distinguished in the political affairs of Canada, Sir Richard Cartwright, declared himself in the words which I am now about to read to this House. I am quoting from a speech of his, in reply to the Budget Speech, in 1884 :—

Now, I admit that abstract propositions cannot always be depended on. But I say that in matters financial you can almost certainly, with safety, lay down this proposition: that whenever, without war or some other extraordinary cause like that, you find the taxes of a country increasing very rapidly, increasing out of all proportion to its population, you may rest assured that the Government has been grossly extravagant, and in all probability grossly corrupt. And when you find the taxation remain stationary for a term of years, you may feel equally assured that the Government has been honestly and economically conducted.

In connection with this proposition I have here some figures that I have taken from the Public Accounts.

TAXATION.

| | |
|---|---|
| 1883-84 | $ 25,483,199 19 |
| 1884-85 | 25,384,529 32 |
| 1885-86 | 25,226,456 21 |
| 1886-87 | 28,687,001 93 |
| 1887-88 | 28,177,413 18 |
| 1888-89 | 30,613,522 51 |
| 1889-90 | 31,587,071 73 |
| 1890-91 | 30,314,151 15 |
| 1891-92 | 28,446,157 31 |
| 1892-93 | 29,321,367 42 |
| | 283,240,869 95 |

| | |
|---|---|
| Average taxation for 10 years | $28,324,086 99 |
| Taxation for years 1882-83 | 29,269,698 81 |
| do do 1892-93 | 29,321,367 42 |
| Amount of average taxation for 10 years, less than taxes for 1882-83 | 945,611 82 |
| Amount of taxation for 1892-3 in excess of taxation for 1882-3 | 51,668 61 |
| Rate of taxation per head in 1882-3 | 6 75 |
| Rate of taxation per head in 1892-3 | 6 07 |

During the last year a most important exhibition of the industries of the world was held in the city of Chicago, and it is a matter of great satisfaction and gratification to the people of Canada that our country took such a good position on that occasion. I have been looking over the reports, as far as they are available, and find that in two articles especially Canada has made extraordinary progress: one is in the matter of dairy products, especially of cheese, and the other manufactures.

At Philadelphia, in cheese, Canada received 49 awards out of 195 entries, whilst at Chicago, Canada received 736 awards out of 849 entries. At Philadelphia, the Canadian cheese was very uneven, some made four points over any American cheese, others of very low grade.

It is most gratifying, that almost the entire exhibit from Canada was of such a high character at Chicago that it almost debarred United States cheese from taking awards at all.

In another department Canada has proved herself to have progressed admirably, that is in manufactures. It is true that at the Chicago Exhibition there were not as many Canadian exhibitors as there were at Philadelphia, but the more important and higher character of the exhibits is proved by the larger percentage of awards given to Canadian exhibitors on that occasion, and it is worthy of note that a very eminent authority, the Hon. Robert Thurston, who was chairman of the committee on jurors and awards at Chicago, made a statement which is certainly in the highest degree creditable to Canada. He is from Cornell University, a professor in that university, and was officially connected with the Centennial Exhibition as well, and he stated that he had examined the Canadian exhibit of general and agricultural machinery with very great care, as he had sixteen years before at Philadelphia. In design, construction and smoothness of running, he considered ours equal to any in the exhibition, and he considered that Canada had in these sixteen years shown greater progress than any other nation. I may say that this is a matter of great satisfaction to us, because it is not so very long ago since Canada was dependent upon the neighbouring republic for its agricultural implements, and it is a very unsatisfactory state of things indeed when a country has to depend upon foreign nations for its agricultural machinery. It is less than twenty-five years since Canada—at least the part of it from which I come—was the dumping ground for the agricultural implements of the United States, for mowing machines and reaping machines which were passing out of use in their own country; these machines were dumped upon us and our farmers were using them years after they had become unsaleable in the United States. They purchased them at very high prices indeed, and it is very pleasing that during the last few years our manufacturers have so successfully grappled with this question and placed Canada on an equality with the United States in the matter of agricultural imple-

ments. I believe that our manufacturers have the trade in these machines at this time very well in their hands, except to a small extent, it may be, in the North-west. Canadian manufacturers have not had so long an experience in manufacturing for the prairie country as their competitors in the South, but this difficulty will, no doubt, be overcome before very long. It has been overcome so far as the old provinces are concerned, and we have implements well suited to our wants, and I think as good in quality as can be found in any country under the sun. The state of Canada in respect to farming implements might be compared to that of the children of Israel under the rule of Saul, the son of Kish. It is perhaps unnecessary to recite to hon. gentlemen, who are well acquainted with this little bit of biblical history, how in that time :—

> There was no smith found in all the land of Israel. For the Philistines said lest the Hebrews make them swords or spears. But all the Israelites went down to the Philistines to sharpen every man his share, and his coulter and his axe and his mattock. Yet they had a file for the mattocks, and for the coulters, and for the forks, and for the axes, and to sharpen the goads.

We were not quite as badly off as that twenty or thirty years ago, but our condition approximated to it. We remember the extraordinary industrial development of the Israelitish nation under King Solomon when the temple was built fifty or sixty years afterwards. The change in Canada has, perhaps, not been so great, but it is very gratifying that we now find manufactured in our own country a line of agricultural implements well suited to our wants, excellent in their character and cheap in their price. I am not expressing any opinion whatever as to the rate of duty imposed on these articles, whether it may be reduced or otherwise. I am not in a position to express any opinion on that point at the present time. If these manufacturers are as well established as I believe they are, and can now maintain themselves with a smaller rate of duty, the farmers of Canada will hail the change with a great deal of satisfaction. I congratulate Canada on the showing made at the Chicago exhibition, and on the admission of the chairman of the committee of jurors and awards, that Canada had progressed well in the matter of manufacture of agricultural implements since the Centennial Exposition at Philadelphia. Similar testimony was given by the commissioner representing the Austrian nation on that occasion to which I would also refer. While speaking on this subject, I may also say a word about the breach of comity on the part of the American managers of the exposition in regard to these very agricultural implements. It was most extraordinary conduct, according to the information I have obtained—the treatment which Canadian exhibitors of farming implements received at Chicago. It appears that Canada and even Great Britain had no representative on the committee of jurors. There were five American gentlemen upon that committee, and a representative each from Austria and Russia. Neither Britain nor Canada was represented upon that board of jurors: nevertheless awards were made to the Canadian binders, mowers, reapers, threshers, separators and all the different classes of implements. The awards were made, but were either changed after they passed out of the hand of the jurors, or suppressed afterwards, so that they have not been given to the manufacturers of Canadian goods. This is a matter of very great regret, for it is the only unpleasant thing and the only cause of unpleasant feeling that has arisen between the two countries in connection with this Chicago Exhibition. I might here refer to the examination of the Hon. Mr. Thacher, the chairman of the executive committee of the exposition, at a meeting of the National Commission held at Washington in September last, where he was asked some questions on this subject of awards to Canadian manufacturers. He said:

> There are only three exhibits so far as I can understand, represented by foreigners of the class that were ordered into the field, and those exhibits were examined, but as I stated in my paper here, they did not receive an award—that is information which I perhaps ought not to give.
>
> Q. Does that cover the entire ground that they will not receive an award?—A. Yes, sir.
>
> Q. Then there will be no cause for alarm on the part of American exhibitors that foreign exhibits will be examined on the floor in any way to harm the trade of the home exhibitor at all?—A. No, sir.

Was it not outrageous that the management of the exposition conducted the matter in this way, intercepting the awards on their way from the committee of jurors to the manufacturers who had fairly won them, intercepting them in the interest of the

United States manufacturers in order to see that they would not harm their trade? This is a most regretable incident in connection with the awards, and I am sure that every hon. gentleman in this House will be ready to share my sentiments.

It is a matter of satisfaction to the people of Canada (satisfaction which I am sure is not confined to gentlemen of any political party), that in the arbitration which has been held during the past year in reference to the Behring Sea fisheries, the contention of Canada has been so thoroughly vindicated. It is a great point that when a contention of this kind has been pronounced upon by independent arbitrators, it is found that the Government and people of Canada were right. It gives them a character commanding the respect of the nations of the earth, of which they may very well feel proud. Some of the regulations made by the arbitrators may not meet with the entire and perfect concurrence of our people, but at the same time it cannot fail to be observed that the commissioners representing the United States, with whom our great contention arose and with whom it was settled at Paris, as well as one of the commissioners representing Great Britain, dissented from these regulations: therefore, although some of our own people felt hardly in the matter, I cannot help feeling that as the representatives of the United States as well as one of our own dissented from these regulations, while all the foreign arbitrators and one of the arbitrators from Great Britain agreed with them, it may be that these regulations are after all in the general interest of the United States as well as of Canada. I do not profess to have any exact information on this subject, but the circumstance of the disagreement of the arbitrators points very strongly in that direction.

Reference is made in the Speech from the Throne to a subject which cannot fail to be of very great interest—that is a rapid mail service on the Atlantic and the Pacific. For my own part, I may say, as one who long ago advocated the principles upon which this great union of the provinces of Canada is based, I look upon more perfect communication with the mother country, entirely between our own ports, and perfect communication westward and southward from the Pacific coast to other parts of our empire, as a consummation of the great plan of confederation. Confederation will not be fully complete until we have such perfect communication with the mother country as will not be second to any other upon the ocean. The Speech from the Throne intimates that a measure with respect to Dominion lands is about to be introduced. I do not know what that measure is to be, but I have a very lively interest in our great North-west. I have had the pleasure of making two visits to that part of Canada, and have traversed a great deal of it and I feel a deep interest in its progress. I regret very much that the tide of immigration has not set in more strongly in that direction. It was quite easy to understand that the great American nation, with the enormous inducements which they were holding out—I may be permitted to say the abnormal inducements which they were extending to the people of other countries—should draw a population to the United States and that they should be enabled to fill up their prairies before ours were occupied. They had indeed begun work long before we acquired the North-west, and the stream of immigration had set in there before we were in a position to offer lands to settlers at all. I am also aware of the fact that within the last year or two there has been an extraordinary depression in the price of wheat, that great staple of Canada, and that this circumstance has had a very serious tendency to restrict immigration to that part of the country. From what I was able to see, from the impressions I was able to form through coming into contact with the people of that great North-west, and from the observations which I made in almost every part of it, I feel convinced that there never was at any time, that there is not at the present time, anything at all to prevent active, earnest, hardworking people from going into that country and becoming successful farmers, not entirely as wheat producers, but as mixed farmers, raising all productions that the climate and the soil are adapted for, and they are very varied and numerous. I believe that the commerce of that great North-west will be very active in the future—I hope it will, for it is a magnificent country. I dare say that most of the hon. gentlemen whom I am addressing have visited that country, as I have done. If so, they must have formed a very high opinion of it. Manitoba is a magnificent province, standing in the very gateway of the North-west Territories, and it has

received during the last few years a portion at least of the tide of immigration from the old world. Going further west we enter the great territories of Assiniboia, Saskatchewan, Alberta and Athabasca. In traversing that country one feels that his tread is not on an empire's dust, but that on every hand is to be heard the tread of pioneers of nations yet to be. I earnestly hope that there will be no difference of opinion, either in this House or in this country, upon any policy that may be adopted to encourage settlement in and immigration towards that great North-west, for the future of Canada, if I am any judge at all, is there, in that magnificent heritage which we have in the great North-west. In the discussion of such political questions as come up before us, in the sharp divergence of politics, it sometimes appears to those on one side that their opponents are not quite as patriotic as they ought to be, that they do not always stand up as well for our own country as they should, but whatever may appear on the surface, I am satisfied that in the ranks of both political parties in Canada there is a united sentiment and desire that our country should prosper and become great and glorious in the future; and I am sure when any question arises affecting the honour and the dignity of Canada, there will be found in the ranks of both political parties and among the leaders of both parties men who will stand up for Canada and apply to the occasion the words of the Scottish bard, Robert Burns, in addressing the Dumfries volunteers:—

> The kettle of the kirk and state
> May hae perhaps a flaw in it,
> But de'il a foreign tinkler loon
> Shall ever put a claw on it.
> Our fathers' blood the kettle bought
> Then wha would dare to spoil it,
> By Heavens, the sacrilegious dog
> Shall fuel be to boil it.

The arena of political discussion in Canada is surely wide enough without encroaching on ground which can be regarded as unpatriotic. We have a territory extending from the Atlantic to the Pacific capable of maintaining an immense population in the latitudes, as I have already stated, in which have been nurtured the men who for centuries have controlled the destinies of the world. Canada has at present a population of five millions of hardy self-reliant people, unfettered by any grievance or by any condition unfavourable to national growth. Our dominion enjoys a connection with the most powerful empire on which the sun has ever shone, giving perfect security with entire exemption from the responsibility of national defence. We have an unsurpassed railway system, unequalled facilities for internal navigation, and shipping interests only surpassed by Great Britain, France and the United States. Canada has to-day resources far more extensive than those possessed by the original thirteen colonies even twenty-five years after they attained their independence.

Can it be that the gospel of blue ruin is the message which the press of Canada is intrusted to deliver to the men of this generation? Can it be that the children of men who never quailed are unequal to the task of going forward in days of peace and plenty with the work which had its foundations so firmly laid in the midst of toil, danger and privation? No, above the hoarse, uncertain growl of political disputation may be heard the clear ringing voice of enterprise, inviting the men of Canada to come up and possess the heritage which God has given them. If there be a man amongst us who has no faith in Canada, no word of cheer to offer to the brave toilers who in the workshop, on the deck, in the mine, on the farm, or in the forest are labouring to make our country great and glorious, I would address to that man the words of Henry V. at the Battle of Agincourt:

> He who hath no stomach for the fight,
> Let him depart. His passport shall be made,
> And crowns for convoy put into his purse,
> We would not die in that man's company.

Hon. Mr. CASGRAIN—In availing myself of the honour of seconding the resolution, I beg to also avail myself of the privilege of seconding the noble sentiments, which have been so admirably presented, by the mover and in extension of the views which he has expressed, I can do little more than reiterate the hope that they will be unanimously endorsed by this House.

It is indeed a pleasure to those concerned with the Parliament of Canada, to enter upon our labours with the knowledge that the representative of Her Majesty in this country is one in whom we have not only unbounded confidence, but who has already awakened the strongest feelings of respect and the deepest sentiments of affection. It is truly a compliment to Canada, and an indication of the high status which she occupies as a portion of the Empire, that a

statesman whose counsels have been earnestly sought for by leading statesmen of the realm, and whose experience in other and difficult stations earned for him a reputation as an Imperial representative which few have attained to, should be asked to represent Her Majesty in Canada; and it is the strongest indication of the value which is set upon this Dominion by the Imperial Government and by our beloved sovereign, whom he represents. We naturally hail with delight the arrival on our shores of any statesman bearing such an important trust, but it is doubly satisfactory to the people of Canada to realize that ever since His Excellency set foot upon Canadian soil, at the old and historic city of Quebec, every action and every movement which His Excellency has made has more firmly convinced us that he has the welfare of the country at heart and is determined to more firmly cement Canada as a portion of the Empire, and continue within our borders that deep feeling of loyalty which throughout our history has been characteristic of our people.

The prosperity of the Dominion as evinced by reports from every authentic source, is indeed a matter of congratulation. It is true that the depression which has been sweeping over other countries has affected one of our staple products, but no one can successfully contend, that this is true of our general trade or that Canada to-day does not occupy a most enviable position as compared with other countries. So far as my own province is concerned, I need only quote from the annual reports of the cashier of one of our leading banking houses to show that our prosperity is not a mere illusion, produced by political bias or asserted for political purposes, but indeed a genuine verity. In his reports this gentleman says:

> Everything farmers have raised this year has yielded profits and given good results for their labour; therefore the value of the production of the year, from that source has been considerably increased and for these causes the business of the community at large and its general trade, which directly depends for the activity on the farmers return, has been good. The power of purchasing has been increased by the good return, and as a natural consequence, farmers budgets all round have been replenished. Country storekeepers have purchased very freely, and remittances from the country have been satisfactory. The sales in wholesale trade have been maintained and the volume of business has been materially over the average of last year.

That this prosperity may continue and increase is the heartfelt wish of every well wisher of our country, but in this connection I may add that our prosperity can only be continued by adhesion to those principles which have protected Canadian industries from the whirlwind of depression which has raged to the south of us.

The intimation contained in the Speech of His Excellency, of the consummation of a steamship communication between Canada and England and between Canada and Australia is an event of more than continental importance. Canada has hitherto occupied a position at the further extreme from that occupied by the Australian colonies. She is now to be placed immediately in the pathway of connection between the great Australian continent and the centre of the Empire. She cannot but reap advantages hitherto unknown to us, and it gives her new possibilities of development never before possessed. Her position as an integral and indispensable portion of the Empire is, by this enterprise, permanently assured, and the wisdom of the undertaking reflects the highest credit upon the Government which has given us this additional boon.

In seconding this resolution, permit me to express the hope that the labours of the present session, may be both useful and harmonious and that we may all enter upon our duty with a fervent desire to promote the well-being of this fair Dominion.

Hon. Mr. SCOTT—I desire to offer my congratulations to the Senator from Prince Edward Island, who has been selected by the Government to move the resolution on which to base the Address in answer to the Speech from the Throne. That hon. gentleman need not have asked the forbearance or indulgence of the House—although the Senate would be always ready to grant an indulgent hearing to all its new members—for he has given us evidence that he is not unaccustomed to addressing deliberative bodies. The hon. gentleman was clear and explicit, from his own standpoint, and, although I do not agree with him in all his conclusions, yet, I admit that it was a very interesting speech that he delivered to this Chamber, and, I have no doubt, in the future we shall have an opportunity of hearing his voice on the various subjects which come up for consideration. The hon. gentleman who seconded the resolution did so with the good taste which he always displays when he addresses the Senate, which, I

regret to say, is not very often. The hon. gentleman possesses sound judgment, and on the committees of the House his opinion is always looked up to with great consideration and respect. I join most cordially with both hon. gentlemen in all they have said in reference to His Excellency the Governor General, and in according to him as warm a welcome as it is possible for us to give when he has assumed the position of the Governor General of the Dominion of Canada. His Excellency comes from a distinguished family, whose ancestors served the State, both in Scotland and in England. They occupied very high positions. His Excellency comes to us under circumstances that are somewhat peculiar and different from those which attended his predecessors, making his advent to Canada one of much greater interest to the Canadian people than has been usual in the selection of his predecessors. In the past, the position of Governor General in this country has rather been regarded as a stepping-stone to advancement, than as the ultimate ambition of English statesmen. The late Lord Elgin went from Canada to India. Lord Lansdowne did the same; after serving a term in this country he was appointed Viceroy to India. Lord Dufferin likewise followed in the same path, and subsequently occupied very high and distinguished positions in the diplomatic service. With Lord Aberdeen it has been somewhat different. He was selected some six years ago to fill the first position under the Crown of Great Britain in a representative capacity—that of Viceroy to Ireland. We all know that he conducted himself there with such success and such tact that he not only softened the hearts of the Irish people towards the British Crown, but he and Lady Aberdeen endeared themselves to the people by the very great interest they took in all that tends to the amelioration of the people of any country. His departure from Dublin Castle was marked with an event which indicates the success which attended his administration. I believe the bands of the national societies had not played "God save the Queen" for many years before, but they played it on the occasion of the departure of Lord Aberdeen from Dublin. It is only an indication of what tact and sympathy with the people he was called to preside over can accomplish. These characteristics are possessed by our present Governor General. As has been very happily observed by the hon. gentleman who moved these resolutions, His Excellency took an interest in Canada long before his name was connected with it in an official character. He manifested his appreciation of the future of Canada by investing his money in it. At that time there was a general expression of opinion that he might possibly be the next Governor General, and the hope was heralded forth through the country that Mr. Gladstone might possibly select him and that if he did so the Canadian people would welcome his choice. Having said that much, I part company, to some extent, with the hon. gentlemen who moved and seconded the address. I think it would have been only due to Parliament had the Government explained why we were not called together at an earlier date. Recently there has been an unwritten agreement that Parliament should be called together about the beginning of February each year. It would be found more convenient for business men to leave Ottawa before the middle of May or the beginning of June. This year, if we have the usual session, it may be extended to the end of June, or possibly the beginning of July. I think Parliament was entitled to some explanation from the Government of the reason for the extraordinary delay in summoning the House.

The next paragraph of the Address refer to the gratifying fact that the volume of trade last year exceeded that of any year in the history of the Dominion. I do not think it anything very wonderful that a country possessing the elements of greatness that Canada has and such wealth of resources should increase in trade as the years go by. The increase has not been at all commensurate with the circumstances of the country. I looked up the figures while my honourable friend was speaking on that point, and it did not occur to me that the growth and development were of that magnitude that he would lead us to believe. I find that so far as our exports go, the export of the products of the mine was less than it was the preceding year and the year before—that the export of the products of our fisheries was less than it was the preceding year and the year before. Our forests gave a considerable part of the increase. The exports of the products of the forest rose from $22,000,000 to $26,000,000. The export of animals (the products of the farm) rose from $28,000,000 to $31,000,000 between 1892 and 1893. So far as other sources of agricultural wealth

go, they were about at a standstill. In 1892 they were $22,000,000 and in 1893, they were $22,000,000, so it will be seen that the additional amount of export was due entirely to the products of the forest and the products of animals. These are two sources of wealth to this country that are susceptible of the most extraordinary development. So far as the wealth of the forest goes, it depends entirely on whether our foreign customers can buy our lumber. When the United States or Great Britain are booming there is a greater demand for Canadian lumber; when there is any depression in the United States or Great Britain, but more particularly in the United States, the demand for lumber falls. The trade is not dependent on any innate factor in Canada, but on causes outside. So it is with animals—facility and cost of transport and incidents of that kind govern our ability to place them on the markets of the world as low as the producers of other countries are able to do. The growth of our trade is due entirely to the industry of the Canadian people. It is in no way dependent on the fiscal policy of the country. The fiscal policy is adverse to them. It bears heavily on the articles that they consume. There is no special credit to be claimed by the Government. Then, again, we are told that one gratifying phase of it is the increase of trade with Great Britain. I find the increase there is only about $1,000,000 over the preceding year. The trade with Great Britain was $106,000,000 in 1892, and in 1893 it was $107,000,000; but a very singular coincidence is that 20 years ago it was $107,000,000. Going back to 1873 it was exactly $107,266,000, and in 1893 it was $107,228,000, which is a few thousand dollars less than it was in 1873. Now that is not very much to boast of—nothing that can be held forth as evidence of great development in the trade of the country, when we have so many more broad acres under tillage, when we have so many more people engaged in agriculture, when we have so many more facilities for its transportation, and when we ought to be in a position to buy so much more than we did twenty years ago. Our trade with the United States last year was $102,000,000, as against $107,000,000 with Great Britain. It must be remembered that the British market is open to us. We can readily increase our aggregate trade with Great Britain by taking down our tariff. If we do, our trade will certainly increase. The British market is always open to us. We do not pay a farthing on anything we send to that market, and therefore it rests entirely with ourselves to say whether our trade with Great Britain shall be increased or not. There is a constant reference to the advantages of the British market. I am most anxious to increase our trade with the British market, but to do so let us take down our tariff—that is the common sense way to do it. On their part there is no tariff barrier. The only wonder is that between the McKinley tariff on the one side and the Foster tariff on the other there is any trade between this country and the United States. What is surprising about it is that in spite of the difficulties created by both countries, we have $102,000,000 trade with the United States, only $5,000,000 less than with Great Britain. I may be told that that is due to some extent to the passage of bullion back and forth, but even allowing four or five millions of dollars for bullion, it shows an extraordinary expansion of trade with the United States in spite of all the difficulties and barriers thrown in the way. The hon. gentleman seemed to think, from the course of his remarks, that there was a degree of prosperity in Canada that we ought all to appreciate, and he did not seem to think that we were a highly taxed people or that we had anything to complain of with regard to the tariff. He comes from a part of the Dominion where nature has been most bountiful in her gifts—where they have not only the wealth of the land, rich soil for agriculture, but they have the wealth of the ocean around them. They have in addition to that an opportunity for recuperating the soil by gathering shells from the sea shore and enriching the land, yet Prince Edward Island has not made that progress which, under fair and ordinary conditions, from my standpoint, it should have made since it entered confederation. When I come to discuss the question of taxes, I think I will be able to show to the hon. gentleman that there are two ways of paying taxes—that the $23,000,000 that we pay as customs duties and the $6,000,000 or $7,000,000 that we pay as inland revenue—or those who drink whisky and wine pay—represents a very small part of the taxes levied upon the people. Coming to Prince Edward Island I find that in 1874, the year after they came into confederation, they imported for consumption into the island $1,900,000

worth of goods on which they paid a duty of $219,000—that is a duty of about 12 per cent. Last year they only imported $481,811 worth on which they paid a duty of $142,000. Although they imported one-fifth of what they had imported before, they paid about half as much duty on that one-fifth. Of course it will be said that the reductions in the importations was due to the fact that they were buying in 1893 very largely from Ontario. They bought those agricultural implements that my hon. friend has lauded so much, giving the manufacturers the benefit of 30 or 35 per cent that the tariff of this country enabled them to charge over and above the fair value of the article in a free market; but I find also that, taking the five years from 1873 to 1878, the first five years after Prince Edward Island came into confederation, they sold abroad $7,500,000 worth, and during the last five years from 1889 to 1893, they only sold $5,500,000 worth—$2,000,000 less in the last five years than in the former period. That must have had some effect on the island. I think Prince Edward Island is situated, for the purposes of trade, for opportunities of reaching the world's markets, in a more favourable position than any other part of the Dominion. It is within easy sail of the markets along the New England coast, and it is nearer the markets of Europe, and, therefore, the progress of Prince Edward Island ought to be great, but if we want the clearest evidence that the growth is not there that it is entitled to expect, we have only to point out the fact that her sons have emigrated to other parts of this continent. The census of 1881 showed a population of 108,000, and in 1891 there were only 187 more persons, men, women and children in the island than there were ten years before. In the face of that fact, the hon. gentleman required a great deal of faith in the policy, in the tariff, and all the other acts of the Administration to laud them, as he did, in ascribing the success that this country has achieved, in the last ten or fifteen years, to their policy. The hon. gentleman endeavoured to prove to us—and he quoted figures from Sir Richard Cartwright's speech—that Canada was not unduly taxed. He pointed out that, apparently, the taxation was not greater in 1893 than it was ten years ago. But there are other ways of paying taxes than paying into the Treasury. If the hon. gentleman were to enumerate the taxes that we pay on our cotton goods, which go to swell the dividends of the cotton lords, and if he were to mention the taxes that we pay on all the iron used in this country he would find that the burden is very much greater. For instance, if he will take the taxes which we pay on sugar to the refiners of Canada and the taxes we pay on our coal oil—I will not go on and enumerate a long list of articles—he will find that the $23,000,000 that we pay in customs and the six or seven millions of dollars that we pay in Inland Revenue, are very small items in the amount. Take sugar as an illustration, because while he was speaking it occurred to me that I might quote the figures. The average amount of sugar that we consume is about 150,000,000 pounds. An hon. member near me says it is more than that. It is put in the official return at 200,000,000 pounds, but that includes some of the coarser kinds that we would not use, those below 14. There must be a large loss in refining such sugar, but I will put it at 150,000,000 pounds. The refiner gets eight-tenths of a cent—that is the duty on sugar, the quality which is consumed in a country like Canada. If that four-fifths of a cent went into the treasury it would mean $1,000,000 or a little more added to the revenue. But what went into the treasury last year for sugar? I have just turned up the amount on sugar and it is $9,000. Somebody must get the benefit of the balance. The refiner has to get his prices a shade below foreign prices in order to keep out the foreign article. Suppose he takes only a half cent (and the figures I have given are within the mark) we should receive three-quarters of a million dollars. Now that is quite plain. My hon. friend shakes his head—it seems to me that if he were to try to experiment we would find it so. Between 1873 and 1878, we derived a considerable revenue from sugar and closed the refinery in Montreal. But is it not better that we should get a revenue from sugar and the people have their sugar cheap than that we should have a few people employed in refining sugar in this country? Would it not be better, if need be, to pension off the few people employed in refining sugar and let the people have cheap sugar? The same argument applies all through. I might go on and illustrate that every other article which is protected imposes an indirect tax on the consumer. What is the object of a

protective tariff? It is to force the consumer to purchase in the home market. If we could all get a little advantage over each other and be put on a footing of equality, I could recognize the fairness of it, but we are protecting a favoured few—fifteen per cent of the population—and the other eighty-five per cent have to pay the shot. It is unfair—it is robbing the country, and disturbing the financial equality that we ought all to stand on. Is it not a fact that a few men in Canada are getting richer and a good many are getting poorer or cannot make headway? There is no land under the sun as favoured as Canada is, no country has such forests and fisheries. No country has finer land to till. No country can produce cheaper under normal circumstances than Canada, none can more successfully compete with the world in everything that is indigenous to the soil, but because it suits the policy of the Government to favour a few individuals who, it is said, reciprocate one way or another—of course I do not speak of the Red Parlour or any reciprocity of that sort—but for some reason or other there is a disposition to tax the consumer for the benefit of the few. While Canada has been growing richer, there is no doubt about it, the wealth is not fairly distributed. It runs into particular lines, it runs into particular industries that are subsidized by the State, because it is a subsidy by the State where you compel people to purchase the articles they desire from certain producers. That is a subsidy given to the producer by the State at the expense of the consumer. There is no other way of looking at it. The hon. gentleman ascribes the depression in the United States to their defective banking system. Their banking system is not as good as ours—there is no doubt about that—but that could not disturb, to the extent that it did, the condition of the United States. It was due simply to the protective policy. The silver men of Nevada and California made a ring with the iron, the coal and other interests of the United States and said "here we are in the swim, we want the United States Government to buy our silver." The Government of the United States agreed to buy one million dollars silver every week, and they have been throwing over fifty millions of dollars a year away—they might as well have thrown it into the sea. They have been buying an article that is daily being depressed in value, an article they cannot get rid of. They would go into bankruptcy in a few years if they persisted in it. They now have $500,000,000 of silver in their vaults. Is not that enough to create a depression in a country? That $500,000,000 is held at a national loss. That is the cause of the depression, and the gold is being exported rapidly from the country. The reserve of gold from week to week was decreasing. It was simply the outgrowth of their extreme protective policy. When you get a protective policy—happily it has not got such a hold on the Canadian people as it had on the people of the United States—it is almost impossible to shake it off. The people of the United States decided in favour of free trade or a revenue tariff a year and a half ago, yet to-day they are powerless, because even Democrats get into the ranks, just as in this country opponents of the Government get into the combines, and favoured and subsidized companies are incorporated, and the moment they do that they become true Tories and upholders of a protective policy. The moment we are ourselves interested, we are influenced. My hon. friend thinks that is an admission — it is an admission simply that human nature is weak, and we are all, Grit or Tory, liable to the same influences. Every man is a protectionist in his own business and a free trader in every one elses. That is the supreme law of human nature. We may as well be frank; there is no use deceiving ourselves. When persons become interested in any particular business they naturally want to keep others out. They get 30 per cent protection, and then they want 35; they get 35, and then they want 40, and so it goes on. Unless the policy of the Government gets a rude shake at the next election, it may continue going on in this country for the next 25 years, because if you give the leading and influential men in the country an interest in its growth and development, you cannot shake it off. The mass of the people do not understand the matter. It is only recently that the farming interest has taken this question up, and why? Simply because the McKinley tariff and the Foster tariff were two blessings in disguise. They taught the people to reason and to look for the origin of things, and to endeavour to find out what was the cause of the depression and of the hard times. It was a very difficult matter to convince them, because the tariff was thought to be some ingenious way of putting money

into the exchequer without seriously affecting anybody's interest or making a drain on anybody's pocket. This was a delusion under which the people remained for a long time, but owing to the McKinley tariff more particularly, the people began to discover that the tariff was simply a tax which contributes to the support of the revenue or to the support of the individual who was reaping the benefit of the fiscal policy. But I am glad to know that under the influence of a high tariff the people of this country are being educated up to the truth. If 75 per cent of the community choose to go and enrich the remaining 25 per cent and pay their quota to add to the wealth of that 25 per cent they have themselves to blame for it. Unless the Government come down with the changes which they have foreshadowed to some degree, they will find a considerable upheaval in public opinion at the next election. They tell us in the next paragraph of the speech that they do propose to make some changes, which is an indication that, at all events to some extent, I am right. They say it is lopping off the mouldering branches. The minute you begin to lop off those branches you have to make the admission that the tariff was too high. If you take anything off cotton, is it not a fair admission that the cotton men are getting too much of an advantage and that their market was too heavily protected? You give them the raw material free and they have many other advantages. Selling in the country in which they manufacture, they have a great advantage over the foreign producer or manufacturer in the matter of freight, and they should be satisfied to a large extent with that. But the very fact of your consenting to lower the tariff is an admission that undue advantage is being taken by persons who are in those special lines of business which are so highly protected. Of course you will find, to use a vulgar expression, that somebody will squeal. If you begin to talk about taking away the privileges from a class they begin to remonstrate. They make it appear that their business is being injured. The hon. gentleman from Prince Edward Island spoke about the agricultural implements that we produce. I quite agree with him that we do produce as fine agricultural implements as are made in any country, and I think if the raw material were made free altogether our manufactures would be able to compete with the world. I have no doubt that my hon. friend opposite was very much pleased when he saw those Massey-Harris agricultural implements for sale in Australia, and heard them so highly spoken of. It was a compliment to the country, and I am sure he felt justly proud. Now, why could not the Massey-Harris Company sell in Canada as well as in Australia? They send their machinery to Australia and there compete with the United States, Germany, Great Britain and all the rest of the world. Why should they have the privilege of making Canadian farmers pay more for their binders, or their reapers and mowers than they would pay in Australia? Of course the prices are increased in Australia, no doubt, because these articles are not manufactured there, but in Australia this company is in competition with those of the United States and on an equal footing. The hon. gentleman seems to think it was rather unfortunate that Prince Edward Island was used as a dumping ground for machines from the United States. I doubt very much whether he would find that the opinion met with general approval in Prince Edward Island. I think there are men there who would like to buy agricultural implements a little cheaper than they can be bought in Ontario during the last ten years—at all events give them a chance, let them have the opportunity, let them be the judges whether they will pay the Massey-Harris Company, or buy their agricultural implements in the United States, or in some other conntry. It is, of course, fair and proper to put a tax on these articles up to the point of the requirements of the revenue, but not above that point where the duty goes into the pockets of the manufacturers. It is a fair thing to tax anything coming into the country so long as that tax is shown to go directly into the public exchequer, but it ought not to be used as a lever to benefit the manufacturer in Canada. We come next to that paragraph in the Address in which we are asked to rejoice at the peaceful conclusion of the Behring Sea controversy. I am gratified that the Government did seek that method of settling this question. Whether the decision was for us or against us was quite immaterial, so far as concerns the propriety of the submission to arbitration. It is, of course, the true tribunal to which we refer all international subjects, and we must recognize the fact even though we may fail where we thought to

succeed ; that is something we cannot help. Having made the bargain we must adhere to it. Under any circumstances, no matter what the result may be, it is an immense advance, and I hope in the future the precedent may be followed that wherever we have these international difficulties they will be referred to an independent tribunal for settlement. There is no doubt that we have suffered in this, as we have suffered in many other things. We are overshadowed by the mother country. Britain must be on good terms with the United States. They each do with the other their largest trade ; they buy and sell with each other more largely than with any other country, and Great Britain cannot afford to quarrel with so good a customer. I need not cover the ground which I have gone over so often before in this House, but this illustrates my principle. It is a matter of history now, but it seems rather curious that on this occasion all the points were settled in favour of Canada. The contention of the United States that Behring Sea is *mare clausum*, and their pretensions that they bought from Russia the right to the whole of the Behring Sea, on which they founded their claim to exclude us, were decided against them, and Canada was declared perfectly right. And so in regard to the Pribyloff Islands ; it was decided that England, France, Newfoundland and Canada all had their rights up to the three-mile limit. Having gone thus far, one would suppose that the natural consequence would be some proposal from the other side as to what Canadians were willing to do about it as to whether they would make a bargain—some proposal to have an international talk on this and other international questions, as to the preservation of the seals, and as to the three-mile limit—but no, the Alaska Company had the ear of the United States Government and the United States, by some very clever method, seem to have obtained the ear of those gentlemen who were on the board. They say "we will give the United States the control within a zone of sixty miles." That seems to be a rather paradoxical way of settling matters. Practically, I suppose, it gives to the Americans, if they can enforce the regulations as against the rest of the world, exclusive control in those waters in the future to a very large extent. No doubt some of the seals will come outside of this zone, and if they do our clever Canadian sealers will be able to continue their work, but not to the extent that it was carried on formerly. It does seem to me a very curious conclusion, and I quite appreciate the reasons which prompted the representative of Canada to decline to sign the convention. While saying that, I am quite sure that Canada had a very faithful and able representative, and that it was through no omission or want of consideration of his or of the ministers who prepared the factum. It is my firm conviction that had the arbitrators been influenced by the reasons which ought to have prevailed, the matter would have been differently settled. However, it seems to have been settled on the ground of expediency, and I am glad it was settled, no matter what the result. We can afford to lose even that much, so long as we feel that we are living up to the arrangement which we ourselves have been a party to, and when things go against us, the best policy is to accept the decision with good grace. We are next informed that some very important legislation is to be brought under the notice of Parliament this session on a matter that has for some time agitated the minds of the mercantile community—I allude to the subject of insolvency. No doubt hon. gentlemen are aware that partial legislation, as far as the province could enact it, has already been adopted in at least one province, but it is unsatisfactory in many ways. The decision of the Imperial Privy Council rendered the other day, like some other decisions of that august body, has not proved quite satisfactory to some. I am very glad indeed that the Government has taken the subject up and will submit to Parliament a bill dealing with insolvency. The subject is one which specially appertains to the department over which the hon. leader of this House presides, and I would ask that he take charge of the bill in this Chamber and give us something to do while they are discussing the tariff in the other branch of the legislature.

Then the last paragraph of the Address refers to the question of steam communication on the Atlantic and Pacific oceans, no doubt foreshadowing what has been the subject of a very great deal of discussion in the press, and of what is known in the east as the fast Atlantic service. It of course is a subject of very great gratification to Canadians if they can make Canada the highway between the motherland and Australia. If

they can divert even a reasonable amount of the passenger traffic or the light freight traffic through Canada, it will be a very desirable object to attain even at considerable expense. I myself, however, speaking of course with the imperfect knowledge of a layman, fear that it may not prove feasible or attractive to the British investor, for I suppose it is in Great Britain that the project will have to be floated. We have had, as hon. gentlemen know, an offer of a very handsome subsidy on the statute-books for a good many years, to any company that would start such an enterprise, placing on the Atlantic a fast line of steamers, and it has not attracted capital. I presume, from the manner in which it is mentioned in the Address, that it is intended to supplement this amount with some considerable addition. It is doubtful if, even with that addition, it will be taken up, and, if taken up, whether the enterprise can be ultimately made a success. To shorten the time means a higher rate of speed. That would no doubt be a part of the contract—twenty knots an hour was what was discussed. Hon. gentlemen who have crossed the Atlantic must know that when you approach Newfoundland, and particularly when you come up through the straits, there are such things as fogs and icebergs met with at most periods of the year, and it is extremely dangerous under such conditions to run at a high rate of speed. It is very well known that the fast steamers that run between New York and Liverpool, and New York and Southampton, favour a route a long way south of the latitude of New York, and even then they occasionally meet with fogs, although not very often; and it must be remembered that the fast steamers can only be maintained, under our present system of obtaining power, by an enormous expenditure, and that heretofore the greyhounds, as they are called, have not paid except during a comparatively few months of the year. We know that these very fast steamers have been laid up in the winter when the extensive passenger travel is over. They run during the months of July, August and September, and therefore, judging from the experience of other Atlantic lines, we have to calculate whether, even with this short distance to be traversed between Halifax and Liverpool, under conditions so adverse to us, we can succeed in attaining that speed and attract a sufficient amount of travel in order to make it a remunerative enterprise. It has its attractions, I must say, and no doubt, if it could be proved feasible it would be undertaken by some company. It is to be, no doubt, subsidiary to the steamers on the Pacific that are now running between Vancouver and points in Asia and Australia. We were glad to hear of the cordial reception to the hon. leader of the House in Australia and of his many efforts to develop trade between Canada and that country. Heretofore the trade has not assumed large proportions. It has not grown at all. It may be said that it has not had those facilities which are necessary. It is not attractive in itself. I quite appreciate the fact that in all cases of that kind, where a country is so distant, the attention of those interested in the products of either country has to be called to such a distant market, and it may be, and probably will be, that we shall find that there are articles in the products of both countries that can be mutually exchanged. Heretofore the quantities we have sent to them have been small and they have sent us, I believe, wool and cotton. Certainly, so far as these articles are concerned, there has been nothing to interfere with the growth of the trade, because they pay no duty. We have sent them lumber and fish and recently some agricultural implements, and I am glad to hear that the trade in the latter article is likely to increase. I can only hope that the foreshadowing of this trade may meet with results that probably some of us at present are skeptical of. It will no doubt lead to the laying of a cable across the Pacific. In that I should take a good deal of interest, as I think it will be probably the precurser of a trade that might follow. It would draw public attention, more particularly in the motherland, to the very great advantages that Canada offers for alternative communication with those remote colonies. Whether it will end, as some hon. gentlemen who are great federalists anticipate, in our making a fusion with these colonies is questionable. I very much doubt whether it is practicable or advisable. We can commercially be on the best terms with them. We can commercially have the freest trade, and I have no doubt that at this convention to be held here in June next, this subject will be duly discussed, and as we have now a federalist at the head of affairs in England, Lord Roseberry, who has very great faith in the welding together of the various colonies, it is quite possible that the project may be

revived. So far as all the colonies are concerned, I think it would only be a graceful act if they were to commercially unite. It is not at all essential that we should be united on the question of administration. If we throw our ports open to each other we can certainly cultivate the broadest possible friendship which ought to exist between the members of the same family.

Hon. Mr. BOWELL—In attempting to reply briefly to the remarks of the hon. leader of the Opposition, I shall endeavour to do so in the spirit which has characterized his utterances. I congratulate the House, and I congratulate the hon. gentleman himself, if I may be permitted to do so, on the spirit with which he has approached the different subjects mentioned in the Speech from the Throne, but before doing so, I join with him most heartily in congratulating this House upon the admission to it of the hon. member from Prince Edward Island. His address to-day has been one which gives promise that in the future he will be of great advantage to us, however old or experienced we may be in our legislative duties, and however perfect, or rather I should say imperfect, in our ideas of governing the country. His address gave evidence of thought and perfect knowledge of the wants and requirements of this country. After long study and a good deal of experience in the political sphere of his own province he has come to a conclusion which I am certain every thinking man in the whole Dominion will not only appreciate but approve. The remarks of my hon. friend from Windsor were strictly to the point, and I can only echo the remarks of the leader of the Opposition, when he said that they were of a practical character, and gave evidence of thought and contemplation in the consideration of questions affecting this country. I also join most heartily in the eulogies which have been passed on Lord Stanley, our late Governor General, and also on Lord Aberdeen, our present Governor. I must, however, and I suppose it is natural, dissent to a certain extent from the opinion expressed by the hon. gentleman when he said that Canada was made a stepping stone for advancement in imperial politics. It is true that many Governors General, after having left us, have been promoted to what is considered a higher and more responsible position in the governing of the empire, but that has not always been the case, and the Governors and Viceroys of India have been appointed from other colonies than Canada. If Sir Henry Norman, the Governor at present of Queensland, one of the smallest colonies of Australia, was offered the viceroyship of India after the retirement of Lord Lansdowne, I scarcely think I should be correct in stating that the appointment of a Governor of Queensland was made a stepping stone to the higher position. I am inclined to the opinion that in the selection of viceroys for India the statesmen of England look more to the capacity and the ability of the nominees than they do to the positions which they may have held, either in Canada or any other portion of the empire. Looking at the men who have been sent to India, we can but come to the conclusion that it is their character, their ability and intellect that governed the selection. Lord Elgin, whom my hon. friend referred to, was known to be a man of very great ability and very great intellect. Lord Dufferin and Lord Lansdowne have been appointed for their experience and their fitness to govern the country, and if the gentleman who is now at the head of affairs in this country should receive that honour, it will be, I am sure, from the knowledge that they have of his governing ability, rather than from the fact of his being the Governor General of Canada.

The hon. gentleman, I notice, has pursued in this debate the same course and used the same arguments and objections that have been heard in another place. He complains that Parliament was not called together at an earlier date. I do not know that it is necessary for me to enter fully into the reasons why this was not done. He has called attention a number of times during his speech to the relative position which Canada holds to the United States, and what might follow if a certain policy were carried out. Now, I am not blind to this fact, that, being contiguous as we are to the neighbouring Republic, so far as our fiscal policy is concerned, our legislation may in the future be governed to a greater or less extent by their action. It may not be politic to say so, but I believe in dealing with questions affecting our country, as we would with one another, and wherever a fact exists, no matter what party is affected by it, we should not fail to recognize it and to govern ourselves accordingly. While I say

that, I wish to be distinctly and positively understood as not being one of those who are desirous of framing our fiscal policy, or any other policy, upon the basis upon which the United States govern their people. What I think we should do as Canadians is to consider first what is in our own interest, what is to our greatest advantage, and just as soon as we have come to that conclusion, our policy should be along that line and along no other. At the same time, while a neighbouring country places on its statute-books any law which materially affects us, if we can gain any advantage by following in their footsteps in that particular, I do not hesitate to say that in the interests of the people of Canada, we should follow that course, but where it does not have that effect, where it has a contrary effect, we should never be, as an independent people, the slavish followers of any foreign country, particularly as affects our fiscal policy and our tariff arrangements. These are the views that I hold, and I believe they are held generally by the party with which I am connected in this country—Canada first, and in all particulars we ought to govern ourselves in our own interests. The hon. gentleman repeated statements that we have heard very often as to the trade policy of this country. He tells us that our increase in trade has not been wonderful during the past year. It is not as great, I presume, as any of us would like it to have been, but when we contrast the trade of Canada and its present financial, moral and industrial position with that of any other portion of the world at the present day, there is no Canadian who knows anything of his country but must be proud of the fact that he is a Canadian. Has not our trade increased in a greater ratio than that of our neighbours across the border? Have we not displayed in all our enterprises more caution, and have we not attained to a greater height in the length of time that we have been working under the policy which my hon. friend condemns so strenuously, than any other country in the world? I will not attempt to waste the time of this House in discussing the causes which led to the depression that prevails in the United States. It is a happy thought with the hon. gentleman opposite and those who oppose the policy of the present government, to attribute it to the silver question. My own convictions are that the great depression in the United States at the present day, is, to a very great extent due to the fact that people are in an unsettled state, not knowing what the Government intend to do. It is true, as he says, the late elections in the United States gave the impression, at least to the people of the outer world, that Congress was to reduce the tariff, and, with that expectation, trade at once became disturbed to a very great extent. When I say trade, I mean the buying and selling, and the importing from foreign countries. No man will import and pay a high rate of duty when he is looking forward with fond expectation to the duty being lowered. What are the facts? The hon. gentleman has admitted that the people of the United States are not to receive the advantages that they anticipated after the election. Look at the Wilson Bill itself. Take it in all its details: while there is a reduction in the tariff, it is from 15 to 25 per cent higher than our tariff. That is the position in which it went up from the House of Representatives. How does it present itself to us to-day? Are they to have a tariff based upon free trade principles, and which we are asked to follow? Would my hon. friend be willing to enter into a reciprocity treaty, pure and simple, with the United States, taking their tariff as proposed by the Senate, or as it is likely to be placed on the statute-book?—We are told that the McKinley tariff in the United States and the "Foster tariff" in this country have been the cause of great depression in the country. Why, the "Foster tariff," as he terms it, or the Canadian tariff, has been 30 to 50 per cent less than that of the United States, and I am one of those who believe, and have not hesitated to express that opinion, not only in this country, but in the Antipodes, when I was addressing the chambers of commerce in Australia, that instead of the McKinley tariff ruining the trade of Canada and injuring our farmers, it has only compelled Canadians to seek other markets, and in seeking those markets, they have not only secured them but have obtained better prices and a better profit from the change. In speaking of the trade of the Dominion, we are constantly reminded of the year 1873. I venture the assertion that there is scarcely a gentleman in this House who has not heard the same thing repeated in every speech made by gentlemen of the opposition, on this question. The year 1873, as hon. gentlemen know, was abnormal in the history of Canada, so far as our imports

and exports are concerned, but it must also be borne in mind that, although the trade of 1873 was very large and greater than at almost any other period, it was before the hon. gentleman opposite attained to office ;—that the very moment he and his party began controlling the destinies of this country, it sank from $217,575,510 in 1874, to $153,-455,682 in 1879; on being 64,109,828, during the five years they were in power. I do not know that it is necessary for me to point out that fact, but it is a fact, as proven by the Trade and Navigation returns. If the hon. gentleman had been a little more fair in dealing with this question, he would have dealt with it in the aggregate, and not selected any particular article, whether it be lumber or animals, to base an argument upon, to show that the country is not progressive, because the exportation of that particular article has decreased during a certain time. Let him take the trade of the whole country and then he can have a correct idea of what the advance has been during the last five or ten years.

Hon. Mr. BOWELL moved that the debate be adjourned until to morrow.

The motion was agreed to.

## COMMITTEES OF THE HOUSE.

Hon. Mr. BOWELL—It is the intention of the Government to adjourn after Wednesday's sitting until the following Tuesday, but it has been suggested to me, and I think the suggestion is a very goood one, that before recommending to the House the appointment of the different committees, I should give notice, after the adoption of the Address, of a reference of the rules as they were laid before the members of the last session of Parliament, to a committee of the whole House, in order that we may consider them fully, and then, after their adoption, appoint a committee to strike the committees and have our committees in the future based upon these rules. If that meets the views of hon. gentlemen, I give verbal notice now that I will to-morrow move that the rules be referred to a Committee of the House.

The Senate adjourned at 5.45 p.m.

## THE SENATE.

*Ottawa, Tuesday, 20th March, 1894.*

THE SPEAKER took the Chair at 3 o'clock.

Prayer and routine proceedings.

## THE LATE SENATOR BOTSFORD.

Hon. Mr. BOWELL—Before the Orders of the Day are called it is again my painful duty to call the attention of the House to the death of one of its oldest members, since our meeting yesterday, our old and esteemed friend Senator Botsford has been called to his long home. I do not know that any words from me are necessary in eulogy of the character of the departed gentleman. He was well known in this House, particularly to the older members, and I think I am not saying too much when I state that no man who ever sat in the Senate of Canada was more highly esteemed than the departed gentleman, Senator Botsford. He had occupied very prominent positions in the public service. He was twice Speaker of this House, and was on a number of commissions of very great importance, not only in his own country, but also to Washington, when difficulties arose between that great republic and the province of which he was a native. We shall all miss him. It is a warning to the whole of us, and I can only hope and pray that a like duty may not devolve upon me again for some time to come. Those who have occupied seats with the late Senator Botsford in the Senate of Canada, will be better able to speak to his merits and good qualities and his unswerving integrity, and his devoted patriotism than I can. I wish again to express my very deep regret at the loss sustained by the Senate and by the country of which he was a native.

Hon. Mr. SCOTT—I entirely concur in all that has fallen from the leader of this House in reference to the deceased gentleman. Mr. Botsford was a character peculiar to this country. Descended from United Empire Loyalist stock, he through a long life showed that he possessed the finest character that any man can possibly aspire to. Few men have been blessed with so long a life, few have been given so many opportunities as he possessed to serve his country. He held an important position in the public life for over 60 years. I remember on the

anniversary of his 50th year the members of the Senate of that day were only too glad to attend a reception in his honour and congratulate him on the many services he had been able to render to his country. During the two months that on one occasion he filled the Chair of the Senate, now so worthily filled by yourself, Mr. Speaker, there was a unanimous feeling in this House that no one could have been fairer or more reasonable than he proved himself to be. A gentleman in every way, he inspired confidence in the Assembly that he presided over. His is a career to be pointed to as worthy of imitation by those younger than himself in this Chamber.

Hon. Mr. DICKEY—The echoes of the tribute paid to the memory of our late leader had scarcely died away when we heard of the death of my late friend and neighbour Senator Botsford. Living as we did for a long period of our lives, extending certainly over 60 years, within a few miles of each other, it is but natural that I should take this opportunity of paying at all events my tribute of respect to his memory by saying a few words. Born in 1804, our late friend, Mr. Botsford, came of good stock. His family was one of the oldest and most honoured in New Brunswick. His father was a judge of the Supreme Court of that province and his grandfather was one of the U. E. Loyalists who came to this country in consequence of the condition of affairs during the revolution and became the first Speaker of the first Legislature of the province of New Brunswick. His father was a speaker of that same House and it may be said that the son was literally born in the purple, so far as legislation is concerned, because that has been carried down in the family up to the present time through about a century and a quarter, and we may therefore speak of him as having been, in connection with his two immediate ancestors, born in the legislative purple. My hon. friend from Ottawa has paid a very proper tribute, and just what I might have expected from him, to the excellent qualities of Mr. Botsford. I am sure that no one who was with him, as he and I have been since the early days of confederation, could have spoken with greater propriety than he has with regard to the feeling of members on all sides of the House. Mr. Botsford was first called into public life in 1833—over 61 years ago now—to the Legislative Council of his native province. He left that position in the year 1867, at the call of the Queen, to become a member of the Senate of the newly formed Confederation of Canada. In reference to the qualities which have been spoken of by my hon. friend, I would also like to ask the attention of the House to this fact, that those qualities seem to have been recognized by persons high in position a great many years ago. Many years before the majority of the members of this House entered into public life at all, over 50 years ago, Mr. Botsford acquired the confidence and, I may add, the friendship of three successive governors—the late Manners Sutton, Sir Edmund Head and Sir Arthur Gordon, since elevated to the peerage, who was a well-known scion of the family and a near relative of the present Governor of Canada. Mr. Botsford acquired their confidence, showing the integrity of the man and his high character wherever he was known, and he was on two or three occasions sent on confidential missions to Washington and to Quebec, especially during the time of Lord Durham. He was also a commissioner who was called upon to lay out the boundary between his native province and mine some fifty-six years ago. He was also called upon to lay out the boundaries, and was employed in that work some two or three years, between his native province of New Brunswick and the old province of Canada. I mention these facts to show the estimation in which he was held in his own country by his own people before he had got through the forties of his life. We have all known him so well that it is scarcely necessary to enlarge on the subject. Personally I dislike, as I am sure he would dislike to discuss such a matter at any greater length, but if I were asked what where his peculiar characteristics, I would say that Mr. Botsford had by sound observation and extensive reading become a fairly good constitutionalist and deeply acquainted with parliamentary practice, and we have had the benefit of his services in both these capacities. I say peace to his ashes, and may his example act upon even the youngest members of this House who were not, as I have been, among his contemporaries. May his example long remain, and may we always remember that such a man as Amos Edwin Botsford was one of the oldest members of the House, one who had always done his duty in the positions which he occupied and one who was always a credit to

the province from which he came. I therefore respond (as far as I can and under circumstances which prevent me from continuing the subject) to what has been said in his memory. I thank hon. gentlemen on both sides for the kind opinions they have expressed, and I trust that they will be some balm to the feelings of those that he left behind in his native province.

Hon. Mr. WARK—I ought not to allow this occasion to pass without joining in the expressions of regret at the decease of our late colleague. There is perhaps no man living who was so long connected with him in public life in one way or another as myself. It is true, as my hon. friend opposite has remarked, that he entered public life several years before I did. He was appointed to the Legislative Council in 1833, sixty years ago. I was connected with the House of Assembly in 1842, nine years after, and from that time down to the present we have seemed to run, as it were, together. After sitting in the House of Assembly eight years, I was appointed to the Legislative Council. That brought him and me into closer connection. It is true that we differed on most public matters, but there was one question on which we cordially united, and that was the union of the provinces. We both took a very deep interest in that and we both lent some assistance to the carrying out of the measure. When it was carried we both came here in 1867, and since that time we have stood together as representatives from the same province. He was a man of extensive information, especially on public matters, and I join cordially in everything that my hon. friend opposite has said with regard to his qualities. I may say in conclusion that the Government will find it difficult to find any one equal to him to take his place.

## THE ADDRESS.

### The Debate (continued).

The Order of the Day being called "resuming the adjourned debate on the consideration of His Excellency the Governor General's speech, on the opening of the fourth session of the seventh Parliament."

Hon. Mr. BOWELL said—I have first to thank the leader of the Opposition for the courtesy extended to me yesterday, when I was labouring under a bronchial affection which prevented me dealing as I should have liked to do, with the subject before the House. I will, however, in as brief a manner as possible, endeavour to reply to some of the observations made by the hon. gentleman. When the House adjourned I was on the point of referring to the trade of the country. My hon. friend, while acknowledging that it had progressed, and was greater in the aggregate last year than at any previous time, could not help using the expression that it was "not at all wonderful." When we reflect upon the financial and commercial depression in the different countries of the world at the present moment we have cause to be thankful that the trade of our country, both in its exports and in its imports, is so sound, and to claim that it is really wonderful we occupy as proud a position as we do to-day. The hon. gentleman said among other things that the principal increase had been in lumber and in animals. I admit the truth of that statement, but I think I am justified in repeating what I stated yesterday in reference to that mode of argument—that it is unfair to the country, unfair and misleading to ourselves, to pick out any particular article and base an argument upon it as to the progress, material or otherwise, of the country. We must take the trade as a whole, and if it shows a healthful increase it is an evidence, at least to that extent, that the Dominion as a whole is prospering. Now, on turning to the Trade and Navigation returns of last year, page 26, we find that the trade of 1893 consisted of the following items :—

| | |
|---|---|
| Products of the mine..... | $ 5,625,526 |
| Products of the fisheries..... | 8,941,357 |
| Products of the forest..... | 27,632,791 |
| Animals and their products.. | 32,775,879 |
| Agricultural products..... | 27,093,195 |
| Manufactures..... | 8,487,271 |
| Miscellaneous articles..... | 392,327 |
| Total..... | $110,948,346 |
| Coin and bullion.. ... ... | 4,133,698 |
| Estimated amount short at inland ports..... | 3,482,308 |
| Grand total..... | $118,564,352 |

The two former show a decrease as compared with the exports of the preceding year, but in the products of the forest there is an increase of about two and a quarter millions. Now, I wish the House and the country to pay particular attention to this fact: It has of late been the stalking-horse, so to speak, of all those who oppose the pre-

sent policy that prevails in this country, to take up and champion the farmer. One would suppose, to hear the speeches made in the different representative bodies in this country by the opponents of the Government, and more particularly by those who indulge in this kind of argument out of doors, on the stump or when addressing the people, that the poor unfortunate farmer of this country had become so reduced in his ability to produce from the soil or from the forest or any other source, or in the manufacturing industries of cheese and butter, as to deserve the commiseration of the people of this country. Notwithstanding all that has been said about him, we find that it is in that particular branch of industry in this country that the greatest progress has taken place, giving evidence of two facts—first, that they are producing more from the soil and from the industries which they pursue, and also that they have become richer than they were before. Whether it be the result of the present policy or not, the pleasing fact is made clear that they are better off to-day, for the reason that they are producing and exporting more, and consequently receiving more,—unless the prices have become so low that there is no profit, which is a matter absolutely beyond either their or our control. So when these people are represented as labouring under enormous taxation we have but one conclusion, with these trade figures before us, at which to arrive: That they are better off to-day, progressing more rapidly and doing better than at any other period in their existence. The next item is that of lumber. As my hon. friend says, our export trade depends in a great measure upon the requirements of the foreign market, and that it might have increased is not to be wondered at, but was just in proportion to the demands both in England and Europe, and the United States. In manufactures there has been also an increase of three quarters of a million dollars, a matter which is to me, believing as I do, firmly in the correctness of the policy which has been in existence in Canada for the last fifteen years, gratifying in the extreme. I am gratified for many reasons. First, it shows we are producing in this country an article which can compete successfully in other portions of the world against other manufacturers. As the hon. leader remarked yesterday, it must have been pleasing to me to learn, when in the antipodes last fall, that our manufacturers were successfully competing there. I can assure him that it was. One establishment in Ontario made its first exportation to that country about five years ago, when they were laughed at, and when Canada was looked upon as an outside part of the world situated somewhere near the North Pole—some of them had scarcely heard of it. He was told to take his five machines that he had taken to that country back again, that they could not be sold; but with that true enterprise which characterizes the people of this country—and by the way he was a Nova Scotian from Cape Breton—he said, "I came here to sell these articles, and I propose to sell them or give them away." He was urged not to undertake it. Why? Because the agent of the MacCormick Machinery Company desired to keep the whole of that market. He succeeded in selling the five machines; the following year he sold twenty-five, and last year he put on that market together with mowers and other agricultural implements and parts thereof, 8,000, and sold them all. If that can be done through enterprise and energy, why should not we protect them until they are enabled to compete in other markets? I know my hon. friend will say "if they can afford to manufacture them in this country and send them abroad, why do they need protection." I will tell him why? They require protection for the same reason that protection was given to manufacturers in England in the olden times and in the United States in later times—until they had acquired a position which enabled them to compete in every market. I am glad to know that the Canadian people are possessed with as much energy and "push" to use an American expression, as any people in the world. I look forward at no distant day to see not only the distant colonies of Australia, but the different islands of the Pacific, supplied by the manufacturers of this country with as good articles as can be produced in any other part of the world. And what is more gratifying—the manufacturers under that protective tariff which my hon. friend condemned so earnestly yesterday, have been enabled to attain a position of wealth and to acquire the skill and efficiency to compete with others in outside markets. When I was urging this system of reciprocal relations between New South Wales and Canada, in talking with the Premier and the Finance

Minister of that colony, after I had pointed out these facts as an illustration of what could be done between the two countries, and said that if we had direct communication we could take their products in exchange for those we had to sell—how was I met by the treasurer of New South Wales? He said, "That is just what we have done: we are trying to prevent your people bringing those things into this country, and we desire to establish manufactures of our own." My reply to that was "you are quite right to do precisely as we Canadians did." Before 1878 Canada was made the "dumping ground," as my hon. friend designated it the other day, for all the surplus stock that they had in the United States or nearly the whole of it. We were depending on them for nearly all we required in this country for our agricultural wants. Now, I said, "we put a high duty on imports. We encouraged people to invest their money in manufacturing industries, and they did invest it—they went on progressing until they have reached the status which they now occupy. They have carried on the competition not only in Canada but in France, England and your own country, and succeeded in carrying off the prizes, giving evidence that they produce as good or a better article than any other country. Go on precisely as we did. I have no fault to find with you; but until you have attained that efficiency in the manufacture of agricultural implements and other things that we can supply you with now, we want you to take them from us instead of the United States." He said, "I have no objection to that." My reply was: "If you desire to buy, buy from us, from your kin, your brothers, living under the same flag"—and I am glad to say that that feeling prevails not only now, but has for some time prevailed in the Australian colonies, and they will deal with us in the future, I am quite satisfied, when they desire to obtain those articles which they do not manufacture themselves, rather than deal with any other country, if we can only have direct and continued communication with them. So much on that point. My hon. friend then says, "Throw down the barriers—wipe out the distinction that exists between our tariffs." I do not know that he intended that remark to apply particularly to England, where there is free trade. If he did not, then it simply means this, that we are to destroy all our industrial establishments in Canada and to provide a a market for our friends across the border.

Hon. Mr. SCOTT—I spoke of the colonies. I said we could easily get up a trade with Australia by taking down our tariff.

Hon. Mr. BOWELL.—That is precisely the policy of this Government, and that is the very reason why the Government sent me to Australia to try to accomplish such an object. Having given, by the sanction of Parliament, without a dissenting voice, one hundred thousand dollars to establish direct communications between the Australian colonies and Canada, the next thing to accomplish was to establish a trade, if possible; and if, when the convention meets, anything like fair propositions are made by which we can have access to their markets for that which we have to produce—lumber, fish and other articles—we shall be very glad to reciprocate, so in that respect the hon. leader of the Opposition and myself and the Government are for once, at least, in accord. Has the protective policy done that harm and injury to the people that my hon. friend says it has, or do not the figures, as given in the Trade and Navigation returns, show that we are progressing and that our markets are equal to, if not better than they ever were before? Has it been a loss, except of a temporary character to this country, to the farming community particularly, or to any other class of people, to have partially lost the United States markets? I readily admit that any violent or sudden change in the fiscal policy, or the tariff, of any country, particularly in countries lying contiguous to each other, as do Canada and the United States, must of necessity have a serious effect at the time. Now, as an illustration, it would be folly for me to say that the imposition of 30 cents per bushel on barley did not temporarily affect the people of my own province of Ontario. But the farmers of Ontario—and my remarks apply as much to the people of the other provinces as to the people of Ontario—showed that they were quite able to meet any emergency. When the reciprocity treaty was repealed we had an illustration of this. Then the United States was the market for all our coarse grains and animals. That was cut off. Then our farmers turned their attention to other pursuits, particularly in the way of dairying, and I do not hesitate to say that they—I

am speaking particularly of the section where I have resided for the last half century —are better off to-day than they were under the old reciprocity treaty. They have turned their attention to an industry by which they concentrate the products of the land into a small compass, and that concentrated product can be transported to distant lands where a good market is found; whereas if they had confined themselves to their old mode of farming, in the production of coarse grains; the freights would have eaten up the profits, so that they are better off under the present system than they ever were before. There is one thing I am glad to know, that that little island in the sea, to which the leader of the Opposition referred yesterday as having suffered from the National Policy, is turning its attention now to the production of that which will find a ready market in England, and which will supplant the cheese and butter now sent from Denmark, Norway, and other portions of Europe, to the British Islands. I predict that the people of that island, after they have pursued this industry which they are establishing all over the island, for a few years, will soon find they are not dependent on the markets of the United States, or of any other foreign country—other than that of England, if that may be termed a foreign market. Turning my attention again for a moment to the foreign market, I should like to place upon record and lay before the Senate what the result of the McKinley Bill has been, during the last five years, upon our trade with the United States and with England :—

| | Great Britain. | United States. |
|---|---|---|
| 1890..... | $ 22,240,548 | $ 13,485,727 |
| 1891..... | 26,245,171 | 11,608,225 |
| 1892..... | 39,187,861 | 8,509,703 |
| 1893..... | 42,495,261 | 8,083,955 |

Now, if any figures could possibly prove to this country that our natural market is England, they are the figures that I have quoted. They show the people of the country where their interests, financially and otherwise, lie; it certainly is not to the south of us, but in the motherland, for which we all have an admiration.

Hon. Mr. BOULTON—Because it is an open market.

Hon. Mr. BOWELL—My hon. friend says it is because it is an open market. I admit it is an open market, but I should like my hon. friend to tell me if the English people would eat any less because they had to pay two cents a pound on cheese and five cents a bushel on wheat? I rather think that the consuming powers of that people would be just as great under a 5 per cent tariff as it would be with free wheat. There are many other things that suggest themselves to me in connection with that remark of my hon. friend from Marquette, but I will not detain the House with them at the present moment. Let me look again at these returns, because, if I am not wearying the House, I desire to have this point impressed upon the minds of those who take any interest in it, that Great Britain is the ultimate market to which the products of our soil must be sent. If we take the period from 1890 to 1893 with reference to the exportation of animals and agricultural products to the United States, we find the following results :—

| | 1890. | 1893. |
|---|---|---|
| Horses..... | $1,887,895 | $1,123,339 |
| Cattle..... | 104,623 | 11,032 |
| Sheep..... | 761,565 | 1,088,814 |
| Eggs..... | 1,793,104 | 324,355 |
| Barley..... | 4,582,562 | 638,271 |
| Hay..... | 922,797 | 854,958 |
| Potatoes..... | 308,915 | 259,176 |
| | 10,361,461 | 4,299,945 |

Now, with regard to sheep, if the House will examine the facts, they will find that more than two-thirds of those that are termed sheep were lambs, and no matter what duty the United States Government may put on—at least that is the feeling of the trade—the Americans will have Canadian lambs. There has been a decline in the exports of barley. It may be argued that that is the result of not having a profitable market for this particular product. The Ontario statistics show that the agriculturists were alive to their own interests, that if they lost that American market it was quite proper to turn their attention to something else, and last year the area sown with barley was only a little over 468,000 acres, while the year before it was 875,286 acres. The acreage sown last year was only one-half of that which was sown the year before

Hon. Mr. SCOTT—They may put in a good crop this year.

Hon. Mr. BOWELL—I do not know; I am not so sure of that. If the Bill which is now before the United States Senate indu-

ces the Canadian farmer to return to his old habit of raising barley, and 20 cents is not found a pretty high protective duty on an article which is to-day selling at 60 cents per bushel, I do not know what is. And then, if my hon. friend has paid any attention to the farming operations of the United States as far west as Michigan, Ohio and Wisconsin, will know that the western farmers are producing barley to-day and sending it into the state of New York, competing with the Bay of Quinté barley, which was the best in the markets of the continent.

An hon. MEMBER—It is not equal to our barley.

Hon. Mr. BOWELL—I did not say it was. It is nearly equal to it, and if they go on progressing, as they have done, and paying attention to the seed and the production of the crop, it certainly is an article which will, in the future, as in the past two years, come into competition with and displace that which formerly was held in such high esteem in that country. The world moves, although it might appear that my Liberal friends, who are supposed to be the progressive party in that country, do not know it; but it does move and move rapidly, and people adapt themselves to all circumstances which may come up, and there is no class of people who have more active intelligence in that respect than the farming people of this country. No tariff of the United States, I care not if it be three times as high as the McKinley tariff, can crush the industries of Canada, while they have a market which is more profitable and better for them than the one to which they formerly sent their products. The same thing is precisely the case with hay and potatoes. Taking the whole of these articles we find that while the Americans bought from Canada in 1890, $10,371,461, last year they bought only $4,299,095. If these people are determined to pursue a course hostile to Canada, we have, at least, this evidence that we can live without them, however desirable it may be to live on terms of amity and goodwill. I do not wish in this discussion to introduce questions which, probably, might arouse the ire of the hon. gentlemen opposite, but I do say this, that we should have less difficulty and less trouble in effecting amicable trade relations in such articles as would be of benefit to both sides of the line, were it not that there are certain politicians in this country who are so unpatriotic that, in their great desire for power, they urge upon United States statesmen not to make concessions to Canada, because if they did, it would drive us further away from annexation. I say this is a matter of serious moment. It is a matter which every honest and patriotic Canadian should take to heart, that when attempts are made by others to do that which opponents of the Government declare to be in the interests of Canada, they should not throw obstacles in the way of our dealings with foreign countries. If the policy of the Government does not meet their approval, it is their right, as British subjects, to turn them out on the first opportunity. No one can blame them for that. I assisted in doing that on one occasion, and I do not blame any one else for taking the same course, but let them pursue an honourable patriotic course, and not a course which tends to make a foreign people believe that the more they legislate against us, the nearer they are to forcing us into a political alliance with them. I will not weary the House by pointing to the advantages which there are in exporting the cereals of the country to Great Britain instead of the United States. While I am anxious and willing that we should reciprocate in such articles as, I think, would be advantageous to the country at large (not speaking of the advantages to be derived on our side, because it always takes two to make a bargain), I am not prepared as a public man, and a Canadian, to make concessions simply in the interest of a foreign country, which would carry no advantage to ourselves. There is another point which I think is of some interest, and more particularly as it affects that portion of the argument of the leader of the Opposition in which he tells us that we were building up the barriers and preventing the trade of this country increasing. I propose to give one illustration to show what effect the imposition of the high duty has had upon one particular branch of agriculture. In giving that illustration I shall simply content myself with saying that it is applicable to almost every article grown by the farmers. My hon. friend says "pull down the barriers." Let us take the question of the hog product alone, and see whether the protective duty has assisted our farmers in this country, I took the trouble to prepare a table showing the total hog product imported and

entered for consumption, not that which is imported into the country and then exported, but the product imported into this country for home consumption. This table gives the figures since 1884, by years, and if you will examine the figures you will find that until the duty which we imposed upon the article got sufficiently high to keep out the foreign product, the importations into this country were large; but just as soon as it was properly protected, then the importations fell off and our own people produced that which was required, not only for home consumption but for exportation also. Wipe off the duties as my hon. friend suggests, and you would return instantly to the same position you were in some 10 or 15 years ago, that is, the farmers would be deprived of their markets here and the Americans would bring in their cheap hog products and destroy the Canadian industry. Now, I shall read the figures, and give the totals in bacon, hams, shoulders and sides, which bear one particular rate of duty, and pork, which under the late tariff bears a duty of one and one half cents per pound and lard which bears another duty. All these articles we imported for home consumption in 1884.

HOG PRODUCTS, ENTERED FOR CONSUMPTION.

| Year. | Bacon hams shoulders and sides. | Pork. | Lard. | Total. |
|---|---|---|---|---|
| | Lbs. | Lbs. | Lbs. | Lbs. |
| 1884.. | 4,458,710 | 13,721,308 | 3,696,992 | 21,877,010 |
| 1885.. | 4,891,922 | 13,476,385 | 3,045,417 | 21,413,724 |
| 1886.. | 3,564,495 | 14,308,040 | 3,061,744 | 20,934,279 |
| 1887.. | 2,368,188 | 9,658,322 | 3,388,942 | 15,415,452 |
| 1888.. | 2,147,697 | 9,974,523 | 6,271,922 | 18,394,142 |
| 1889.. | 3,658,967 | 15,206,172 | 8,290,001 | 27,155,140 |
| 1890.. | 4,353,653 | 17,185,794 | 4,828,678 | 26,368,125 |
| 1891.. | 2,570,418 | 11,116,948 | 991,655 | 14,679,021 |
| 1892.. | 1,016,367 | 9,508,666 | 693,269 | 11,218,302 |
| 1893.. | 670,155 | 3,862,546 | 147,630 | 4,680,331 |

When we imposed a high duty, in 1890 the importation was 26,368,125 pounds. The farmers had not yet had time to turn their attention to the production of this particular kind of meat. In 1891 the importation fell from 26,000,000 pounds to 14,679,021 pounds and in 1892 it tumbled down to 11,218,302 pounds and last year it fell to 4,680,331 pounds. Will any one in his senses tell me, or can he convince the agriculturists of this country that if the duty had not been increased to 3 cents upon hams, 1½ cents upon barrelled pork and 2 cents on lard, we would have had this, which my hon. friend terms a marvellous change, in the importation of this particular article? But is that all? Let me turn your attention next to the exportation of hog products during these periods, and the figures will prove that not only has the protective policy secured the market to the farmers of this country for that which the country consumes, but it has induced them to carry on the industry to such an extent as to enable them to export as much in proportion as the importation from the United States has fallen off. In 1884 we exported all these three articles to which I have called attention, the product of Canada. The figures are:

EXPORTS—HOG PRODUCTS OF CANADA.

| Year. | Bacon and hams. | Pork. | Lard. | Total. |
|---|---|---|---|---|
| | Lbs. | Lbs. | Lbs. | Lbs. |
| 1884.. | 8,117,970 | 630,970 | 214,772 | 8,963,712 |
| 1885.. | 8,152,087 | 555,436 | 63,559 | 8,771,082 |
| 1886.. | 8,566,490 | 346,105 | 95,790 | 9,008,385 |
| 1887.. | 11,400,420 | 617,135 | 159,248 | 11,816,803 |
| 1888.. | 7,019,823 | 294,140 | 75,165 | 7,389,128 |
| 1889.. | 4,066,682 | 284,697 | 92,002 | 4,443,381 |
| 1890.. | 7,492,082 | 238,899 | 82,434 | 7,813,415 |
| 1891.. | 7,634,237 | 67,687 | 47,734 | 7,749,658 |
| 1892.. | 12,142,388 | 142,386 | 31,886 | 12,316,650 |
| 1893.. | 18,504,347 | 903,022 | 709,624 | 20,116,993 |

Here begins the operation of the high tariff. In 1890 we exported 7,813,415 pounds, and in 1891, 7,749,658 pounds; 1892, 12,316,650 pounds; in 1893, 20,116,993 pounds of the product of the hog of this country alone. Now, this shows that, for instance, from 1889, when we imported for home consumption no less than 27,000,000 pounds of the product of the hog, which was consumed in Canada; last year the importation amounted to four and a half millions, while our exportation of the product of this particular animal, which consumed the coarse grains which the Americans used to take, actually amounted to over 20,000,000 pounds of the product of Canada; and yet people will tell me that the protective policy has done nothing to help the agriculturists of the country. My hon. friend says: "Wipe out the tariff, let us have free trade." That is the doctrine now, I believe, in favour with the Liberal party. A little while ago it was commercial union,—which my hon. friend, although a Liberal, repudiated some little time ago. Then, it was the more plausible doctrine of unrestricted reciprocity.

An hon. MEMBER—Is not the market regulated by the export?

Hon. Mr. BOWELL—Not always. The market may be regulated in a great measure by the demand and if we had not had any to export, the trade would not have grown so much in the last few years. If the demand in England had been greater than it was, and we had not the pork ready to send there, they would have got it somewhere else. I do not desire at all in my argument to deal with the abstract question of the principles of free trade or protection. I prefer to deal with the question as it presents itself to me and to every intelligent man in this country, that is to say, from a practical standpoint. I find that the imposition of a duty keeps out of the country that which we produce ourselves and enables us to export one hundred, yes, one thousand per cent more than we did before; that is all I care about so far as political economy is concerned. If our farmers can put the value of twenty million pounds of pork into their pockets in a year, that has more to do in convincing me, and I think it will have more to do in convincing the people of Canada generally, of the benefits which are derived from that policy, than if you preach the abstract theory of free trade until doomsday. I will give my hon. friend before I sit down a quotation from a gentleman who is an ardent free trader, who was in this country last year, upon that particular point. I might deal with these matters at greater length, but I do not think it necessary to do so. I have taken this course because of the remarks of my hon. friend, the leader of the Opposition, who tells us that we are taxed to death, that the effects of the policy have been to grind the poor unfortunate producers, who toil for their livelihood, down into the very ground, though I think these facts which I have cited will show him that the policy is not so bad after all when compared—and we can judge of its effects better by comparison than by any other mode—with the results of the period during which he had the honour of advising Her Majesty through her representatives in this country. Now, what were the taxes levied upon goods imported into this country during the five years, or rather the six years the Liberals were in power, because I consider the Liberal party responsible for the year after my hon. friend ceased to have the honour of being a member of the Government of this country. What were the taxes as compared with a later period of five years, being from 1889 to 1893? In looking at these figures I think they will show that while we have placed a high protective duty upon many articles, there are equally as many articles which formerly were taxed under the rule of my hon. friend opposite, that are now on the free list. I wish to draw the attention of the House in this manner to the fact that those articles, which are upon the free list to-day, are articles which are not produced and cannot be produced in Canada. It is a part of the protective policy, as I understand it, that we should protect that which we can produce, and that we should allow to come into Canada free, or to the greatest extent that may be possible, all those articles which we cannot produce ourselves. We have placed upon the free list sugar and tea; we have relieved the newspapers from their postage in sending them through the country and we have removed that tax which was considered to be such an odious tax, namely the stamp duties. I might go on for half an hour reciting these instances. Over 120 articles are on the free list to-day, placed there by the present government, which were taxable under my hon. friends opposite, and they are all articles which are not produced in Canada. My hon. friend will say, I have no doubt, that that was done for revenue purposes and I am quite willing to admit that. I reply we have provided a sufficient revenue and we have secured ever since we have been in power a surplus, instead of ruining the industries of the country and having a deficit every year, as was the case in the period during which my hon. friend was in power,—that is to say, except the first year.

Hon. Mr. POWER—The hon. gentleman is making a great mistake there. Your Government has had some pretty big deficits since 1878.

Hon. Mr. BOWELL—The first year, when we had to assume the responsibilities of your administration, I admit that we had a deficit. I stand corrected, and I am very much obliged to the hon. member from Halifax, for calling my attention to the fact. I hope he will be equally candid in acknowledging that the deficit for 1879, the year after we took the reins of power, was the result of

the baneful effects of the legislation and the administration of the affairs of this country by my hon. friends opposite.

Hon. Mr. POWER. There were at least three other years in which there were considerable deficits.

Hon. Mr. BOWELL—If the hon. gentleman is right, I stand corrected, but if he will look at the facts I think my hon. friend will find that he is in error. However, there is one cause for gratification : if there were one or two, or even, to please my hon. friend, say three deficits, there have been surpluses since that time to more than cover the deficits of the first year or two. The country had not to be encumbered with additional debts in order to provide money for running expenses, as was the case during the regime of my hon. friend. They had to borrow every year except one, I think, in order to make up the deficiency in the revenue and to carry on the ordinary affairs of this country. Going back to 1889, the percentage of duty levied on goods entering Canada for home consumption was during the past five years :—

| | | |
|---|---|---|
| 1889 | 21·65 | per cent. |
| 1890 | 21·21 | " |
| 1891 | 20·06 | " |
| 1892 | 17·56 | " |
| 1893 | 17·38 | " |

In 1883 the people of Canada paid $5.23 per head for duty, while in 1893 they paid but $4.26 per head. A reduction of nearly one per cent per annum in the rate of duty for the past five years, and a reduction of ten cents per head per annum in the amount of taxes collected during the past ten years make it pretty clear that the Liberal-Conservative party has been doing considerable tariff reforming for some time past. There was a gradual decrease during these five years from 1889 to 1893 in the taxation of the people of the country, although we had raised the duties upon many articles. Let me turn your attention to the period between 1874 and 1878, and precisely the contrary effect was the result of the administration of the Liberal party. In 1874 the taxation per head was 11·32 per cent, in 1875, 12·38, in 1876, 13·44, in 1877, 13·03. The last year that they had control of the destinies of this country, it was 14·03, thus showing that from the moment they attained office, the moment they began to administer the affairs of Canada, the rate of taxation began to increase greatly year by year, while on the other hand the taxation during the last five years has been greatly decreased. My hon. friend made use of an expression, which I do not think he intended should have the full force of his utterance, although he qualified it by saying it was human nature when a man becomes pecuniarily interested in anything to change his belief if his interest leads him to do so. Now I am not prepared to admit that.

Hon. Mr. SCOTT—I was pointing to the Democratic senators.

Hon. Mr. BOWELL—Not the Canadians.

Hon. Mr. SCOTT—There is a little human nature in some Canadians too.

Hon. Mr. BOWELL—I think the House will agree with me that human nature on this side of the line is about the same as that to the south of it, although I am quite willing to admit that his estimate of the integrity and honour of Canadian statesmen is justified. However, I am inclined to be a little more charitable, although I am accused of having very strong opinions on most things. I am inclined to think that people can change their opinions, and change them honestly. I do not believe that a man, although he may have been born in a certain rut, must always remain in it. I know in my own family my father was an ardent English Whig when he came to this country, but he was not here long until he saw what he thought were the very malign influences of the Liberal party, and I think that I can apply that to an hon. friend opposite me. I know a more ardent English radical than his father I never heard of in my life, but when he came to this country he thought that it was not right for a man who loved his country to continue connected with that party. That was his opinion. Although in my early youth I was brought up in the Whig school, the opinions I hold today are honestly entertained. I am quite willing to credit my hon. friend opposite with equal honesty and to admit that men may change their opinions and change them honestly. When men saw in this country in the years from 1876 to 1878, everything in a state of stagnation and our industries paralyzed, they began to think that something was wrong, and when they observed the pro-

gress which was made in the United States under the policy which had been pursued there for a quarter of a century, they came to the conclusion that unless we in Canada changed our policy and our system we should become poorer and poorer every year we lived. Hence many gentlemen belonging to the Liberal party, in the province of Ontario, particularly—I speak of this province because I know the fact—seeing that something must be done to change the condition of affairs, joined hands with the late illustrious leader of the Conservative party and wiped out of existence a party that had declared themselves utterly unable to do anything to assist the industries of the country. They joined with those who had sufficiently progressive ideas to change the whole fiscal policy, and I leave it to the judgment of this House and the country to state the results which have followed. But the hon. gentleman says you have placed all these millions in the pockets of the bloated—no, I do not think he used that word—the pockets of the manufacturers of this country.

Hon. Mr. SCOTT—Increased their dividends.

Hon. Mr. BOWELL—He complains that the cotton lords, the sugar dukes—they must be sweet—and a variety of other people have grown comparatively wealthy under the system. It is a levelling principle with which I have not the slightest sympathy. I have no sympathy with that cry against people who through their industry and integrity have acquired a competency in the course of trade which they are pursuing. That is a species of socialism which I commend to my hon. friend from Marquette, who seems to have the bugbear of protection constantly before his eyes. It haunts him by day, and I have no doubt by night. I like to see the country progress, and no country can progress unless the institutions of that country are immutable in their character and the people become satisfied and contented with their lot. Now, my hon. friend's argument would be correct if he had taken the trouble to prove that these cotton lords had taken out of the pockets of the people the full amount of the duty that had been imposed. If he could have proved that these sweet sugar dukes, who were revelling in luxury, had taken out of the pockets of the people the amount of the duty which is imposed upon sugar, I readily admit that he would have established a position which every Government should take steps to prevent, if possible, just as the present Government did when it was shown that a monopoly and combination existed in the case of salt. They at once struck a blow and broke up the monopoly by opening the markets. Has it been the fact, or is it the fact that the people pay the amount imposed in the way of duty in addition to the fair price of the goods?

Hon. Mr. BOULTON—Hear, hear.

Hon. Mr. SCOTT—I allowed a margin, I put it down at one half cent a pound. I did not go into the cotton question.

Hon. Mr. BOWELL—My hon. friend might have made a better statement if he had looked at the Trade and Navigation returns, and he could have increased his income to a very much greater extent than he did. If he will take the duty on 300,000,000 pounds of sugar imported he will find that we should get between $2,000,000 and $3,000,000 revenue. He says, "I allow a margin for the dirt that is washed out of the sugar." Now, that applies to raw sugar, but not to imported refined sugar, when they do not pay for dirt. The refined sugar is made out of raw sugar. If we import 300,000,000 pounds, and pay eight-tenths of a cent upon it you will see how much should have gone into the treasury—some $2,400,000, but instead of that we imported the raw material. We encouraged an industry which exists. Perhaps it may be interesting for him to know it, and he will probably be surprised if he looks at the Trade and Navigation returns to find that our manufacturers of raw sugar did, to a certain extent, export refined sugar from Canada to the United States. I have under my hand a statement showing that we exported between 5,000,000 and 6,000,000 pounds of sugar to the United States and Newfoundland last year and I also have letters from the refiners at Halifax showing that they exported some 10,000 barrels of sugar to Boston alone, and from the Redpath refinery showing that they sent over 5,000 barrels to the market of Chicago in the previous year paying the freight upon the whole of it and paying six-tenths of a cent per pound upon it and underselling the United States refiners who were getting two cents per pound bounty on all sugar grown in the

country—even maple sugar—and were allowed all sugar free under 16. Is not that evidence that the consumers of this country did not pay the eight-tenths of a cent duty imposed on sugar? My hon. friend says wipe out the industry. You will have the opportunity then of destroying the carrying trade of our shipping to the extent of over 300,000,000 pounds of sugar a year. You will destroy all the industries connected with it—the cooperage industry, the wharfage, the cartage and others connected with it. What do with it, if has all that got to you can raise a cry and convince the people of the country that they are having taxes extorted from them that should not be? I have just one point more on this question I add here a statement of the prices of sugar every week from January to December in 1892, in New York and in Montreal. It is as follows:—

WEEKLY PRICES, New York and Montreal, Granulated Sugar for Year 1892.

| Date. | New York, Net per lb | Montreal, Net per lb. |
|---|---|---|
| Jan. 8 | 4.00 | 4.39 |
| " 15 | 4.00 | 4.33 |
| " 22 | 3.93 | 4.33 |
| " 29 | 3.94 | 4.33 |
| Feb. 5 | 3.92 | 4.33 |
| " 12 | 3.92 | 4.33 |
| " 19 | 3.92 | 4.33 |
| " 26 | 3.92 | 4.33 |
| Mar. 4 | 3.92 | 4.33 |
| " 11 | 4.13 | 4.39 |
| " 18 | 4.24 | 4.39 |
| " 25 | 4.29 | 4.39 |
| Apr. 1 | 4.29 | 4.39 |
| " 8 | 4.29 | 4.39 |
| " 15 | 4.29 | 4.39 |
| " 22 | 4.27 | 4.39 |
| " 29 | 4.23 | 4.39 |
| May 6 | 4.23 | 4.39 |
| " 13 | 4.23 | 4.26 |
| " 20 | 4.23 | 4.26 |
| " 27 | 4.23 | 4.20 |
| June 3 | 4.23 | 4.20 |
| " 10 | 4.26 | 4.20 |
| " 17 | 4.29 | 4.20 |
| " 24 | 4.26 | 4.20 |
| July 1 | 4.23 | 4.14 |
| " 8 | 4.23 | 4.14 |
| " 15 | 4.19 | 4.14 |
| " 22 | 4.13 | 4.14 |
| " 29 | 4.19 | 4.14 |
| Aug. 5 | 4.23 | 4.08 |
| " 12 | 4.23 | 4.08 |
| " 19 | 4.44 | 4.08 |
| " 26 | 4.47 | 4.14 |
| Sept. 2 | 4.59 | 4.26 |
| " 9 | 4.90 | 4.63 |
| " 16 | 4.90 | 4.63 |
| " 23 | 4.90 | 4.63 |
| " 30 | 4.90 | 4.63 |
| Oct. 7 | 4.72 | 4.39 |
| " 14 | 4.72 | 4.39 |
| " 21 | 4.72 | 4.39 |
| " 28 | 4.72 | 4.39 |

WEEKLY PRICES, New York and Montreal, Granulated Sugar for Year 1892—*Continued.*

| Date. | New York, Net per lb. | Montreal, Net per lb. |
|---|---|---|
| Nov. 4 | 4.72 | 4.39 |
| " 11 | 4.61 | 4.39 |
| " 18 | 4.59 | 4.39 |
| " 25 | 4.59 | 4.39 |
| Dec. 2 | 4.59 | 4.39 |
| " 9 | 4.59 | 4.39 |
| " 16 | 4.59 | 4.39 |
| " 23 | 4.59 | 4.39 |
| " 30 | 4.59 | 4.39 |

You will observe that for over six months of that period refined sugars were cheaper in Canada than they were in the United States, and that has all been done through judicious management of business under a protective policy. Now my hon. friend says the consumer pays all the taxes, that the imposition of the duty has but one result, and that is the bearing down heavily upon the poor unfortunate consumer. There was last year a deputation of English journalists to the World's Fair, and they visited Canada. Among them was a Mr. Carr, a very eminent literary man, who edits a newspaper in Cardiff, Wales. I met him at a club in Toronto, where he made a most violent free trade speech at a dinner given by the Board of Trade, in the course of which he told us that he looked forward at no distant date to seeing the period described by Macaulay when the New Zealander would be found sitting on the ruins of Blackfriars Bridge looking at the ruins of London. He said also that protection was a robbery of the people, and went on in a very learned style to show what a pair of trousers should cost a man and claiming that they should not be taxed. On his return to England he published a brochure on what he had seen while travelling on this continent and he did me the honour to send me a copy. He was horrified to find that under a protective tariff things were actually cheaper than in that elysium, as my hon. friend considers it, free-trade England. I will read one paragraph for the information of those who take strong views on the other side of this question. He writes in his letter upon "Economical Heresies in the United States," the following:—

Mixing as I have done of late amongst all classes of republican workmen and manufacturers—having witnessed the phenomenal prosperity alike of capital and labour—informed as I have been of the extent and strength of the enormous interests created by the American policy of protection, I cannot help realizing the fact that those of our

English people are living in a fool's paradise who believe that the result of the recent democratic victory in this country, although based on the cry of tariff reform, will result in any measure that will open the markets of the United States to the manufactured goods of England or the Continent of Europe.

He was a true prophet as has been proved not only by the Wilson Bill itself, but as has been proved by the revision of that bill in the Senate. Then he goes on to say :—

There is no American statesman living who dare precipitate such a national economic crisis. It would not be reform—it would be revolution. I am, as you know, a convinced free trader. Protection is to me an economical heresy, the fraud and folly of which are capable of mathematical demonstration—demonstration as absolutely convincing as that by which the solution of a problem in Euclid is arrived at. And yet throughout the length and breadth of this vast continent one is almost daily brought face to face with solid indisputable facts that seem to give the lie to the soundest and most universally accepted axioms of political economy. Let me give you just one example. Under the shadow of a stringent protective tariff, the manufacture of paper was commenced in the United States. Paper is still subject to a heavy import duty. According to our theories, that ought to enhance its price to the consumer in this country. As a matter of fact, the New York newspaper proprietors buy their "news" at a less price than that at which it could be supplied to them in London, and some of the paper mills in New Jersey are actually exporting paper to the old country. Unless it can be shown that this paper industry would have grown up without the aid of a protective tariff, it is futile—nay, it is an impertinence—for an outsider to say that the Americans have acted unwisely in taxing themselves for a few years in order to establish in their midst a great industry giving occupation to a great quantity of highly paid labour. And it seems to me that this set of facts and the arguments based on it apply to many of the other industries which are assuming such colossal proportions throughout the length and breadth of the land.

There is the evidence of a confirmed free trader of England showing the beneficial effects of a protective tariff in the United States. If this Mr. Carr had travelled further and inquired more into the effects and results of the protective tariff in the United States, he could have applied the same remark to hundreds of other things that they have succeeded in producing under that protective tariff as cheaply as they do in the older countries, and are actually exporting to that free trade country which we all admire so much. Although a free trade policy may be right in the abstract to a great extent in England, it would be destructive in a new country like Canada. I have but a few words to say with reference to my hon friend's remarks on the question of trade and cable communication with Australasia. I was pleased to hear his remarks on what was the result of the Behring Sea arbitration, because he viewed that question, to my mind, from a broad statesmanlike standpoint so different from that in which it was dealt with by his own leader in another branch of the legislature and the opposition press of the country. I readily admit with him that we did not, as Canadians, get all that we should have liked to obtain, but there is this cause for satisfaction—and I am only reiterating what the hon. gentleman said—that every constitutional issue that was raised, every point that was taken by our Minister of Marine and by our Minister of Justice, the leader of the Government, and by the Government of Canada in reference to the rights of this country and of the world generally in Behring Sea, were sustained by that arbitration, and if there is anything wrong it may be through too strict regulations. Both of the representatives of the United States, and the arbitrator for Canada, who was acting on behalf of the British Government, refused to sign them—so that taking the old adage, when nobody is pleased it must be right—when neither the United States nor Canada was pleased with the proposed regulations they were as near right as foreigners at least could make them. It has been said that it will ruin our industry. I have it from a British Columbian that he has already sent out two or three vessels this year, and that as large a fleet has gone into that business this year as last year. My hon. friend shakes his head—perhaps he knows better than I do. I am giving this statement, not on my own authority but on what I conceive to be good authority—that is, those who are engaged in the trade themselves. My hon. friend, spoke very pleasently about my trip to Australia and the manner in which the Canadian representative was received—I can only say to him that he did not exaggerate that reception. I did not accept that as a tribute to myself, because if my hon. friend or any one else had gone as representing Canada, he would have received the same attention. Greater warmth of feeling and a greater desire to discuss the object of that mission, and a more earnest interest taken in the building up of a trade between the colonies to bring

closer together the people of the British race, could not be exhibited anywhere than in every part of the four colonies which I had the honour of visiting, and I shall never forget, personally, not only the attention, but the kindness which was extended to me during that trip. My hon. friend said that the trade of the country was falling off. It is true that the trade with Australia in the last year has fallen off. Is it necessary for any reasoning person—is it necessary for any one who knows the financial position that Australia has been in for the last two or three years—is it necessary for those who have read the papers and know the position of the American continent generally, outside of Canada, to come at once of a conclusion as to the reason of that tailling off? Has it fallen off more than the trade of the United States? I tell the hon. gentleman that it has not. In 1892 our trade with Australia amounted to $436,603. It fell off last year to $288,352 being a falling off in that year of $148,581. But I find in looking at the figures that for the last five years the aggregate trade between the Dominion of Canada and Australia has been $2,446,391, while for the previous five years it was only $1,852,873, showing when you compare the two periods, that our trade has been gradually increasing, although we have had no direct communication with that country other than by sailing vessels, while the United States has had a subsidized line of steamers running for the last 20 years between the Australian colonies and San Francisco. We find that in 1892 the trade of the United States with Australia was $11,246,474, and in 1893 it fell to $7,881,000 being a greater percentage of falling off with a country that had direct steam communication than with a country that had no communication other than by sailing vessels, and that only occasionally. I predict that with steamers that trade will steadily increase as the years roll along. As an illustration, take the six months ending the 30th December, we did only some $7,000 worth of trade with the Sandwich Islands, the capital of which as my hon. friend knows, is Honolulu. During the last six months, that is during the period of the existence of this line of steamers, it has run up to between $60,000 and $70,000. It is not much, I admit, in the trade of a country, but it shows a gradual growth and I think we may look forward to a time when we shall be pleased with the idea that we subsidized that line and created that connection. My hon. friend did make use of an expression that I deeply regretted to hear fall from his lips. I say it in all sincerity. It is a misfortune in this country, whenever a proposition is made by which we hope to build up our country either by subsidizing steamship lines or by the construction of railways, opening up and developing its resources, that some politicians begin to decry the enterprise at once. It is not long since we were told that we were expending hundreds of millions of dollars in order to make a connection across the mountains with British Columbia. The present Opposition at one time told the people of this country that the Canadian Pacific Railway would never pay for the grease that would be necessary to lubricate the axles of the trains running across the country. Another ardent politician told the country that the ties at one end would be rotted out before we could finish its construction through the Rocky Mountains. It was by this kind of statements—I cannot dignify them by the term of arguments—that difficulties were thrown in the way not only of the Government but of those who had the great enterprise in their hands and were endeavouring to carry it out. What do we find to-day? The same policy exactly pursued in connection with a fast line of steamers across the Atlantic. We were told in the other branch of the Legislature and the remark was repeated here the other day—that the route by the St. Lawrence could never be navigated to any advantage which would justify the expenditure of that amount of money and the establishment of that line—that fogs, icebergs and other obstacles were constantly presenting themselves to the navigators of this route. Was that all? Why, worse than that, my hon. friend made use of this unfortunate expression that he did not believe it would be profitable to British investors to put their money into this enterprise. What effect, I ask, can that have upon the money market of England, when Mr. Huddart, who has entered into this provisional arrangement, goes upon the market and asks the capitalists to assist him in establishing this line? No man knows better than my hon. friend that there is nothing so sensitive as the money markets of any country, for the moment you touch a man's interest that moment you lead him to refrain from touching speculations that he

would otherwise enter into. I say it is unfortunate, coming from the leader of a great party like the Liberal party in this Dominion, that he should throw his great weight and influence into the scale, to ruin an enterprise of this kind, which I look upon not only as apt to promote the lasting interests of the country, but absolutely necessary in order that we may have in the near future an imperial highway from the mother land across Canada, making its terminal ports in the Colonies of Australia, carrying not only a great proportion of the wealth of the country, but making a highway for travellers who will spend their money with us, as well as the profit to be derived from the carrying of freight across the country. What do we more need in the interests of that down-trodden class of people we have heard so much of—the farmers—than facilities for carrying to the English market the perishable articles that they produce,—facilities in the way of refrigerated storage in our ships; and I assure the House that that is one of the conditions which we made in dealing with the gentleman who has taken this great enterprise under his management and control, namely, that all steps possible must be taken to enable the farmers to export their butter, eggs, cheese, turkeys, and in fact whatever produce is of a perishable character, including, of course, fruits, to the British market. When the time arrives that the exporter of fresh eggs can place them on the London markets in six days, thereby furnishing a good fresh article, that is the time when the Government will be able to present to the legislative bodies of this country statistics showing that our exportation has increased ten, yea, one hundredfold over that which I have already shown for the last few years. I say it in sincerity and friendliness that if it should be my lot to live long enough to sit on the other side of the House, I promise my hon. friend that whenever any proposition is made—if his party has the courage to do it—or any offer is entertained to promulgate a scheme for the advantage of the country, it shall have my most ardent support. I give them this promise in advance, although I hope in the interests of the country that the time is far distant when its destinies will be placed in their hands.

Hon. Mr. POWER—I do not rise for the purpose of replying to the hon. the leader of the Government. I think the House has reason to congratulate itself that his cough interrupted his speech yesterday; because he has started in to-day with a clear voice and a supply of material which he might not have had at his command yesterday. I would make one observation on the speech of the hon. gentleman. He tells us that the Liberals, although their name would indicate that they were progressive are not the progressive party of this country; that they remain stationary. Now, I could not help thinking when I heard certain passages of the hon. gentleman's speech that that want of progress was not confined to Liberals. During part of the hon. gentleman's speech, I could fancy myself back in the days when my hon. friend from the Quinté division and the hon. gentleman who represents the Saugeen division in this House made vigorous onslaughts on the policy of the Mackenzie Government. During another portion of his speech, I could imagine myself here when the tariff Bill of 1879 was before the House. I may be excused for saying so, but I think we have had a disproportionate amount of talk on the tariff, considering that we are now dealing with the Speech of his Excellency the Governor General and not with the Tariff Bill. When that bill comes before us, we shall try to discuss it to the best of our ability. However, there is this advantage, in the course pursued by the hon. gentleman. I think he has given us some inkling of what the proposed tariff changes are to be. For instance, I notice, that the hon. gentleman pointed out that in the matter of agricultural implements we would be able to defy the United States manufacturers. I take it for granted that that indicates the reduction of the duty on agricultural implements. Then, the hon. gentleman later on pointed out that under the beneficent influence of protection, the hog product of this country has marvellously increased. Canada instead of importing over twenty million pounds of pork as she did some years ago, imports only four million pounds, while the export has grown correspondingly. I take that to mean that the Government proposes to put such a duty on pork as will obliterate the small importation which now takes place.

Having said so much with respect to the speech of the hon. the leader of the House, I propose to go back to the speech of the hon. gentleman who moved the resolu-

tions now before the House. I must express my gratification at the fact that the Government have called to the Senate a gentleman like the hon. member from Marshfield (Mr. Ferguson). His speech was able and well reasoned. Its language was good; and more than that, it was a common-sense speech; there was no spread-eagleism in it—no denunciation of people who happen to differ from him in their political views as being enemies of their country. I regret to say that the speech of the hon. the leader of this House was not similar in that respect. I am surprised that one so clear headed as the hon. the leader of the House, should undertake to lay down the proposition that nearly one-half the people of this country are not patriots and do not wish for the well-being of their country; that they are in some kind of a conspiracy with foreigners to injure the country in which they live, and in which they expect to make their living and ultimately to die. We had here, as most members of this House will recollect, a gentleman fron Marshfield in Prince Edward Island, who was one of the model members of this House, and I am glad to think that the hon. gentleman who now sits in this House from Marshfield is not an unworthy successor to him—I refer to the Hon. Mr. Haythorne, a gentleman universally loved and respected.

It is unnecessary to say anything about the speech of the hon. gentleman from Windsor (Mr. Casgrain). That hon. gentleman does well everything which he undertakes. Perhaps it is unnecessary to say that he spoke well, as the French members of this House all speak well, and I only wish that we English-speaking members could do as well as they. Before beginning to deal with the Speech of His Excellency the Governor General, I may say that I think Canada is to be congratulated upon the choice which Her Majesty has made of a Governor for this country, and we have especial reason to rejoice, because the distinguished statesman who now presides over our destinies did not come to Canada without knowing what he was doing, He did not take a leap in the dark. He had lived in Canada, had identified himself with the interests of the country before coming here, and he knew what he was coming to; and he came voluntarily and with pleasure. Hon. gentlemen who know anything of his record in Ireland, and I suppose we all do, must look forward with pleasant expectation to His Excellency's career in the Dominion. In Ireland Lord Aberdeen was the most popular Lord Lieutenant who had represented the Sovereign there since the early part of the century, and I trust that when the time comes when we shall have to part with His Excellency we shall have the same feeling towards him which the people in Ireland had when the scene took place, described by the hon. gentleman from Ottawa (Mr. Scott).

With respect to the second paragraph of the Speech, which deals with the increase in trade and the continued progress of the Dominion, I may say that we are all gratified to know that at a time when there is undoubtedly depression in other places, Canada has not suffered very materially; but I do not think there is any reason for boasting, because, as was pointed out by the hon. gentleman from Ottawa, we can go back twenty years and take up the trade returns and find that at that time the aggregate trade of this country was nearly as great as it is now; and considering that Canada is a young and should be a very progressive country, I do not think that there is any special reason for the expression of exultation or surprise at the fact that there has been a moderate increase in our trade,—in our exports and imports. The same observation applies to the next paragraph, which says "It may be observed with satisfaction that a large proportion of this increase is shown to have been due to the extension of our commerce with Great Britain." If we look at these same trade returns—I do not take the year 1873, because, as the hon. gentleman said, that was an abnormal year: I might reply to him that 1893 was an abnormal year, but I shall not do so—let us take 1874, and we find that the aggregate trade of this country with Great Britain in 1874 was $108,083,000. Last year it was $107,228,000. It is actually less now than it was 19 years ago. I do not think that these figures afford any special ground for satisfaction. It is well that the trade with Great Britain is larger than it has been during the past few years, but looking at our history in a broader way than by simply comparing one year with the year before, I do not think there is here any special reason for boasting.

Hon. Mr. DICKEY—I hope my hon. friend has not overlooked the question of values.

Hon. Mr. POWER—I presume there has been some change in that. I think in some respects the values have fallen and in other respects they have risen. I imagine that the value of wheat is probably less; on the other hand there are cheese and other things of that sort which have gone up, and I presume lumber must be worth more than it was at that time.

Now, the third paragraph of the Speech is as follows:—

It is a cause of thankfulness that our people have been spared in a very great degree from the sufferings which have visited the populations of some other countries during many months past, and that while the commercial depression prevailing abroad could not but affect the activity of business in the Dominion, we have been free from any extensive financial disaster or widespread distress.

That paragraph is put in a very becoming way; it is very guarded and modest in its wording and I do not think that any one could quarrel with it, but some of the speeches that have been made in relation to this paragraph are very much more exaggerated than the paragraph itself and are not justified by the existing circumstances. Any one who goes to the Lower Provinces, to Prince Edward Island, New Brunswick, or even Nova Scotia with all its varied resources, will not find that things are very flourishing. They might be worse, as the last speaker says, and I have no fault to find with the paragraph. In the hon. gentleman's own province, I understand there are in the city of Toronto some thousands of persons at the present time looking for work or for assistance from the city. If that had happened in the old regime to which he referred so often, I have no doubt we should have heard a good deal about it in this Chamber, but it has not been mentioned and I do not lay any special stress upon it.

The fourth paragraph of the Speech, the paragraph which deals with the Behring Sea award is one upon which I propose to say a few words. Unlike the paragraph of the Speech which deals with the tariff, this matter of the Behring Sea award has not to come before the House again, and for that reason I hope the House will bear with me if I deal with the matter at a little length. In the first place I might call attention to the fact that the wording is a little peculiar. It says:—

The peaceful conclusion, by the award of the arbitrators at Paris, of the controversy which had prevailed so long, with respect to the Seal Fisheries in the Pacific Ocean and the rights of British subjects in Behring Sea, has removed the only source of contention which existed between Great Britain and the United States with regard to Canada. There is every reason to believe that Her Majesty's Government will obtain redress for those Canadian subjects of Her Majesty who were deprived of their property and liberty without just cause while the controversy was in progress.

Now, it is a rather curious fact that we are told that a controversy existed with respect to the seal fisheries in the Pacific Ocean, and the rights of British subjects in Behring Sea. I have always understood that the controversy was with respect to the seal fisheries in Behring Sea, and the rights of British subjects in that connection, but here there appears to be distinction made between the Pacific Ocean and the Behring Sea, which I do not understand. Perhaps some hon. gentleman will explain it later on. If hon. gentlemen will carefully examine the language of this paragraph of the Speech, it will be found, I think, that there is no objection to it whatever. There is no word of boasting in the paragraph. I should not say much about it, only there has been some exultation indulged in by the friends of the Government with respect to this award of the Behring Sea arbitrators. The hon. gentleman who has just sat down, expresses his great gratification that every principle of international law—I do not know that he used that expression, but that was the gist of it—that every principle of international law, which had been contended for by Canada, had been upheld by the tribunal. Now, if we were told some day that the Dutch had taken Holland, we should not think that the Dutch had achieved anything remarkable. That is exactly what has been done in this case. If we were told that two and two made four, and that the Board of International Arbitrators had so decided, we should not be very much surprised, and this is really just about what this award has done. If we look at the award, which is not very long, we shall be satisfied on that point. The first point submitted to the arbitrators was:—

1. What exclusive jurisdiction in the sea now known as the Behring's Sea and what exclusive rights in the seal fisheries therein did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

That question is a mere question of fact and it was a question about which there was no doubt, and the arbitrators found that—

By the ukase of 1821 Russia claimed jurisdiction in the sea now known as the Behring Sea to the extent of 100 Italian miles from the coasts and islands belonging to her, but in the course of the negotiations which led to the conclusion of the treaties of 1824 with the United States and of 1825 with Great Britain, Russia admitted that her jurisdiction in the said sea should be restricted to the reach of cannon shot from shore, and it appears that from that time up to the time of the cession of Alaska to the United States, Russia never asserted in fact or exercised any exclusive rights in the seal fisheries therein beyond the ordinary limits of territorial waters.

That was simply two and two make four —the Dutch taking Holland. The next question was: "How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?"—another question of fact, and one American arbitrator as well as all the rest of the arbitrators decided and determined that Great Britain did not recognize or concede any claim on the part of Russia.

The next question was: "Was the body of water now known as the Behring Sea included in the phrase Pacific Ocean as used in the treaty of 1825 between Great Britain and Russia, and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said treaty?"

The arbitrators were unanimous as to the first part, and as to the second part as to what rights, if any, in the Behring Sea were held under the said treaty, the arbitrators with the exception of Senator Morgan held that:

No exclusive rights of jurisdiction in Behring Sea and no exclusive rights as to the seal fisheries therein, were held or exercised by Russia outside of ordinary territorial waters after the treaty of 1825.

That was as plain as possible. No sensible or reasonable man ever supposed that they had any more claim upon those seals outside of the three-mile limit than they had upon the fish which swim in the territorial waters when found outside the limit, and on that point a majority of the arbitrators decided that the United States has not any right to exclusive jurisdiction in Behring Sea and no exclusive rights as to the fisheries therein, outside of ordinary territorial waters. That was the decision. It could not be otherwise, there was no room for any other decision. No lawyer, no man governed by any common sense ever supposed that there could be any other decision than that which was given as to the law of the matter. The important matter, what we were all interested in was not the decision of law, because we knew that there could be only one decision, but the question of what sort of regulations the arbitrators would provide and how our seal fishing was going to fare under these regulations. I do not hesitate to say that if the decision had been the other way, if the decision had been that those absurd and ridiculous claims set up by the United States —I fancy just for the purpose of getting regulations to suit themselves—if those claims of the United States had been upheld, the regulations could hardly have been more unfavourable to our fishermen than they actually were. I take up the regulations. Now remember it had been decided that outside of the three-mile limit the United States had no more rights in the waters of Behring Sea and the Pacific Ocean than England had. Let us see what sort of regulations have been made under these circumstances. The first article is:—

The Governments of the United States and Great Britain shall forbid their subjects respectively to kill, capture, or pursue at any time and in any manner whatever, the animals commonly called fur-seals within a zone of sixty miles around the Pribylov Islands, inclusive of the territorial waters.

In order to give that provision the widest meaning, this regulation goes on to say that the miles mentioned in the preceding paragraph are geographical miles of 60 to a degree of latitude; so that there are almost 70 miles around the islands reserved, and our fishermen are not allowed to kill seals there. What was the proposition made by the English commissioners with respect to the Pribylov Islands? They suggested that there should be a zone of 20 miles. That would have been reasonable, and I think one of the mistakes made by England, particularly in dealing with such a country as the United States, was that England should have made such a reasonable demand. If England had claimed that there should be no zone around the Pribylov Islands, then a reasonable and proper zone of twenty or thirty miles might have been established. England had other negotiations with Russia with respect to the Commander Islands, while those negotiations with the United States were going on—those islands are situated

similarly to the Pribylov Islands—and the zone agreed upon between England and Russia is a zone of thirty miles. This zone of 60 geographical miles is calculated to render it almost useless for Canadian sealers to go to the neighbourhood of the Pribylov Islands. The Alaska Commercial Company is given a practical monopoly of the seal fishing in the neigbourhood of the Pribylov Islands. That is the first regulation and that is bad enough. The second regulation is :—

> The two governments shall forbid their citizens and subjects, respectively, to kill, capture or pursue, in any manner whatever, during the season extending each year from the 1st of May to the 31st of July, both inclusive, the fur-seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude and eastward of the 180th degree of longitude from Greenwich, till it strikes the water boundary described in article 1 of the Treaty of 1867, between the United States and Russia, and following that line up to Behring Straits.

This article forbids the killing of seals, not in the Behring Sea only, not even in the open sea to the north and west of British Columbia, but actually forbids the killing of seal east of longitude 180°, from about the latitude of San Francisco north to Behring Straits. You start from the latitude of San Francisco, and run west to the 180th meridian of longitude, and then north to Behring Strait, and in all that region, our sealers are not to be allowed to kill seals from the 1st day of May to the 31st of July, which is just the season when they go out after seals. They can kill seals, if they can get them, in August, September and October, and afterwards ; but the seals are not to be had then. At the season of the year when the privilege of killing seals is of any value, our fishermen are forbidden to kill seals, not only in Behring Sea, but in the whole Pacific Ocean, east of the 180th meridian. The hon. gentleman says Americans are excluded too, but the Commercial Company of Alaska is not excluded. It just means this, that the most extreme care is taken to provide that the greatest possible number of seals shall go to the Pribylov Islands, where they can be slaughtered by the Alaska Company.

Hon. Mr. MACDONALD (B.C.)—I cannot see it.

Hon. Mr. POWER—That must be the result. If nobody else is allowed to kill seals in the Pacific Ocean or Behring Sea, it follows of course that the men who are allowed to kill them at the Pribylov Islands to which they all resort, are going to be benefited and nobody else. There has been nothing whatever done to prevent the indiscriminate and unlimited slaughter of seals while they are on the shore. A regulation to that effect was proposed on behalf of Canada, but refused by the United States. Article 6 of the Regulation says :—

> The use of nets, firearms and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

Now the only way in which our Canadian sealers as a rule have killed seals has been by shooting them with shot guns. They are not to be allowed to use shot guns in the Behring Sea at all, and not on the Pacific Ocean, at the season when seals are to be found there. Practically the regulations are prohibitory. It has been stated by the hon. leader of the Government and I think by some other hon. gentlemen, and it was stated in another place also, that vessels were fitted out this year for the seal fishing as usual. I happen, for the best of reasons, to know something about that matter. Where have the vessels gone that have been fitted out in Victoria this year? They have gone to the regions west of the 180th meridian. They have gone to the coast of Japan and the coast of the continent of Asia. The people of British Columbia interested in the sealing business look upon these regulations as being practically prohibitory. If the people of the United States had succeeded—if their claim to exclusive jurisdiction in the Behring Sea had been recognized, could things have been worse? They did not claim exclusive jurisdiction in the Pacific Ocean, they claimed it only in Behring Sea. If their claim to exclusive jurisdiction in Behring Sea had been recognized, our sealers would have been better off to-day, because then they could have killed seals in the Pacific Ocean without restriction, while now they are shut out from the Pacific Ocean at large as well as from Behring Sea. I can readily understand why the Canadian arbitrators should not have assented to these regulations. This paragraph of the Speech is in itself unobjectionable, because there is no tone of boasting about it ; and I agree with the gentlemen who have spoken

that even though our interests have been sacrificed in the matter still the sacrifice to the country at large is not as great as would have been a war, but I cannot help feeling, too, that seventy or eighty years ago England would have taken a totally different line. When those three vessels were seized in 1886, at distances from seventy to one hundred and fifty miles from the shore, there would have been very serious difficulty in a short time, and the United States would have surrendered those vessels with a very little hesitation. Numbers of hon. gentlemen are old enough to remember the case of Slidell and Mason, and if the same attitude had been assumed by the Imperial Government in connection with those Canadian fishing crews that was assumed with respect to Slidell and Mason we should have had none of those troubles at all and our fishermen would have been allowed to conduct their lawful occupation during all those years.

I do not propose to say very much on the remaining portion of the Speech. The next paragraph is that which deals with the tariff. It is well to know that amendments are to be offered for our consideration and that they are designed to simplify the operation of the tariff. The hon. gentleman who leads the House should, from his long official experience, know that the tariff will bear simplification, and I have no doubt but that in his capacity of Minister of Trade and Commerce he has given very valuable advice in that direction. This paragraph is rather enigmatical. It does not say that all the changes which are proposed to be made are to be in the direction of diminution, although it seems to imply that. It says they are to "lessen so far as can be done consistently with those principles and with the requirements of the treasury the imposts which are now in force." I hesitate after listening to the very elaborate speeches of the hon. gentleman from Ottawa and the hon. leader of the Government about saying anything with respect to this question. I may make one observation, however, as to the conduct of the Ministry with respect to these proposed changes. A committee of the Ministry went around the country during the past year making inquiries on the spot in various places as to the operation in those places of the existing tariff; and I think that on the whole that was probably a rather judicious course of action. It is not a usual course, but still I think there was a good deal to be said in favour of it. They came, for instance, to Halifax, and heard there the representatives of the importers and the representatives of the manufacturers and of other classes. They went round the country and gave fair and reasonable hearings to the representatives of the various classes, the representatives of the consumers as well as those of the manufacturers; but I have noticed that since that time there have been numbers of hearings given here, at Ottawa, to the representatives of the manufacturers. They appear to have been allowed, in every case, to have the last word with the Ministry, and every one knows that the last word is often a very valuable and important word. As one of the consumers, I regret it.

Hon. Mr. SMITH—If the Ministry were very forgetful it might be, but that is not likely.

Hon. Mr. POWER—I think that the speech of the hon. leader of the House this afternoon did not indicate forgetfulness at any rate. I think he remembered a good many things that he might just as well have forgotten. With respect to this tariff question, I feel tempted to say something, but probably the less said the better; but I cannot help making this observation. The government told us that protection was a capital thing—that it had no drawbacks—that it made things cheaper than they were before—and did not hurt anybody; but still, in spite of that, some little time ago, they reduced the duty on sugar very considerably, and then their newspapers and speakers all over the country asked the people to fall down and worship the government because they had taken off three millions of dollars taxation. They told us before that things were not made dearer by a tariff and that there was no taxation in reality. They asked credit for putting on the duties, and then when they took off the duties, they asked credit for taking them off. There was a duty on coal oil, and that was reduced. They took credit for having done so much in the way of reducing the burden on the consumers.

Hon. Mr. BOWELL—We did not put on that tax. Your friends put it on.

Hon. Mr. POWER—As I understand, our friends diminished the duty. It was a

specific duty, and a duty which was reasonable in 1874 had become an unreasonable duty in 1893. But at all events, if the protection of the Canadian oil maker was a good thing, why should you cut down his protection while you kept it up for other people?

Hon. Mr. BOULTON—The duty was not lowered.

Hon. Mr. POWER—There were changes made which were equivalent to a reduction. Then the duty on binder twine was reduced one-half. The duty on cordage was supposed to be a capital thing, yet we are called upon to thank the Government for reducing the duty. To be consistent we should have been indignant with the Goverment for reducing that duty. If it was a good thing to put on the duty, we must have been worse off for the reduction. The truth does, in spite of the shrewdness of our friends opposite, come to the surface occasionally. They do feel, and have acknowledged in various instances that a duty is a tax, and that it makes things dearer; and I only hope that in the proposed changes in the tariff they are going to recognize that principle to a very considerable extent. While my hon. friend across the floor was talking about how much had been done for the farmers, I could not help thinking that, possibly the fact that the Patrons of Husbandry in the west had been making a good deal of noise over the tariff lately had much to do with the character of the hon. gentleman's speech. Those farmers in Ontario and Manitoba have been enjoying all the blessings of the duties on pork and flour for some years, but they do not seem to be satisfied; and they ought to know their own business. Probably the farmer of Ontario thinks he was just as well off when he was doing his business in another way when he was selling his grains close at hand, and that he could find a better use for his coarse grains than feeding them to hogs.

Hon. Mr. SMITH—I donot know of any better at present.

Hon. Mr. POWER—No better at present; he is driven to that. There is a paragraph which speaks of a measure on bankruptcy and insolvency which it is hoped will make more adequate provision than now exists on that subject for the increasing trade and commerce of the country. I am quite aware that the law with respect to insolvency is not in a satisfactory condition, but I trust that the measure which is foreshadowed in that paragraph of the speech will be altogether different in principle from the Insolvent Act which we had before. Under the Act of 1875, insolvency was encouraged, and the creditors, as a rule, got practically nothing. The assignees and the lawyers concerned in the settlement of insolvent estates generally came off very well, but as a rule—I speak, of course, only of my own province, I cannot speak of other provinces—as a rule the creditors got next to nothing. The present system is unsatisfactory, but there is one thing about it, insolvency is discouraged. As it is now, a creditor can get a judgment against a man and hold it over him, and, if a debtor makes an assignment and acts dishonestly, and afterwards attempts to go into business, that judgment is there *in terrorem* and can be enforced. Insolvency is discouraged. There is, undoubtedly, in some of the provinces room now for unfair preferences; but I think that on the whole the present system is better than the one we had in 1879. They have in England an Act which works well, and if the measure which the Government propose to introduce follows generally the lines of the English Act it may improve the condition of things; but I for one should not care to commit myself to an unqualified approval of this measure until I see what it is.

The next paragaph is important but does not need much comment now, because the measure to which it refers will be before us. It is with respect to what is known as the fast Atlantic service. The leader of the House became very emphatic in dealing with that service, and condemned in advance any one who ventured to express a doubt as to the entire wisdom of the course indicated by the government. I do not propose for one to be scared by any declaration of that sort. We are here to use our best judgment with respect to the measures which come before us, and if a member of this House honestly thinks that any measure that is proposed is going to cost more than it is worth, it is his duty to say so and oppose the measure; and I have no hesitation in saying with respect to this Atlantic fast line that it is going to cost a great deal more than it will ever be worth. I do not hesitate at all to say that. I have said it in Halifax and I say it here, and I

am prepared to say it and defend it anywhere. In the first place the game is not worth the candle. What does it come to, supposing we do get our mails a day quicker than at present? That is not such a wonderful advantage. It is a good thing, but not an important advantage. Supposing a passenger who wishes to come to Canada direct can get from England to Canada a day quicker than he could otherwise, that may be desirable, but it is not a very important thing, and when it comes to paying $750,000 a year for that advantage, taxing all the rest of us to that amount, I am perfectly safe in saying that that game is not worth the candle. Hon. gentlemen have talked a good deal about its being a magnificent thing to have to travel from England passing through Canada to the Pacific. I fail to see that that is any great advantage to Canada. It is just like water passing through a funnel. Passengers going from England to China, Japan and Australia across Canada, how much do they leave in Canada on their way?

Hon. Mr. MACDONALD (B.C.)—A great deal to the railways and hotels.

Hon. Mr. POWER—How long do the passengers who are making these quick trips spend in hotels?

Hon. Mr. MACDONALD (B.C.)—They have to pay the railway fares and other charges.

Hon. Mr. POWER—I am satisfied that they will never leave $750,000 a year in the country. I can readily understand how the Canadian Pacific Railway Company should be desirous that that line should be established—I do not know whether they are or not, but I can understand why they might be—because it would have a tendency to secure more passenger traffic for their line. I should not mind paying something for it, but I think we are asked to pay too much. Another objection to the proposed line—I do not hesitate to state that fact, notwithstanding what the leader of the House says—is that it is impracticable. Any one who knows the Straits of Belle Isle route or the route between Newfoundland and Cape Breton, knows that in the spring and early summer months it would be madness for a shipmaster to run his vessel at twenty knots an hour. There are four of these vessels to be constructed. Within two years I am satisfied that those four vessels would have left their bones somewhere in the neighbourhood of Newfoundland or our Gulf shore. Another objection is that naval science has not got to that point at which it can construct a vessel to carry a large quantity of freight and run twenty knots an hour—it cannot be done. The ocean greyhounds which run to New York never carry more than 1,000 tons of freight, and until the science of naval construction has advanced further than it has now, we cannot have a fast line which will carry any reasonable quantity of freight. Mr. Huddart has been spoken of as a gentleman who is going to bring this line into operation. As I understand it, Mr. Huddart is not a capitalist himself. He is not a ship builder. The Government have been for some years engaged in negotiations with shipbuilders and ship-owners in the old country and have failed to get any one to undertake this service. Is it reasonable to expect that where the Government have failed in dealing with ship-owners and ship-builders, Mr. Huddart, a private gentleman from Australia, is going to succeed? The thing seems to me absurd. Until I saw it in the Governor General's Speech I thought it was something got up to influence the late election in Halifax.

Hon. Mr. BOWELL—You should not have drawn conclusions in advance of facts.

Hon. Mr. POWER—I have seen so much of the ways that are dark and tricks that are sometimes vain of our opponents, that I am justified in drawing the conclusion.

Hon. Mr. BOWELL—It is only a matter of fairness to Mr. Huddart to say that he is the principal proprietor of the Australian line of steamers. He has been engaged in shipping from his boyhood up and his father was a ship-builder. It is true he is not a ship-builder himself, but he has been connected with ocean steamers all his life.

Hon. Mr. POWER—Do I understand the hon. gentleman to say that Mr. Huddart is connected with the line between Australia and British Columbia?

Hon. Mr. BOWELL—I have not only said so, but I have stated that he is the

principal owner and manager of the line, and has been running lines of steamers between the different Australian colonies for years.

Hon. Mr. POWER—That will not seriously modify the position.

Hon. Mr. BOWELL—It modifies it to this extent—the hon. gentleman stated that he was not a capitalist, but merely a private individual, intimating that he was simply a speculator.

Hon. Mr. POWER—With regard to the Australian line, our Government has given so generous a subsidy that I do not think a man needs much capital to run a line between Vancouver and Sydney.

Hon. Mr. BOWELL—It is quite evident that the hon. gentleman knows very little about it.

Hon. Mr. POWER—There is no difficulty in chartering steamers to do the work for that subsidy. Then there is another objection to that scheme, which I think is important. Enterprising Canadians have, after struggling with difficulties of various kinds for many years, succeeded in building up excellent lines of steamships. I think it is unfair to our own people and our own industries, when they have got things into a satisfactory condition—they have not attained perfection, but they have reached a reasonable degree of perfection—it is unfair to push them to one side and give those immense subsidies to outsiders. I think we could by a slight increase of the existing subsidy to the Allan line and the Dominion line obtain a service of sixteen or seventeen knots an hour which would better serve the purposes of all Canadians and more particularly of Canadian farmers than the proposed line. I find to my great disappointment and surprise that I have detained the House some ten minutes longer than I expected.

Hon. Mr. SMITH—How much a head would it be on the community per annum? Only 15 cents—that is all.

Hon. Mr. POWER—It just depends on how many are paying it.

Hon. Mr. KAULBACH—I am very much taken by surprise by the speech of my hon. friend from Halifax. There is but one paragraph of the Address to which he has referred on which I agree with him, and that is with regard to the bankruptcy law. The evils of the last Bankruptcy Act were very great. In fact, it brought more injury on the commercial community than any act of the same character that was ever put on the statute-book. I agree with my hon. friend that the lawyers and assignees, and interim assignees pocketed the estates, and with the experience which the Government have had of the inefficiency of that Act, I hope they will be on their guard against repeating the evil. If they will give us a simple bankruptcy act, which will equitably dispose of the assets, and where the case is clear that through no fault of his own, but through misfortune, a man has been brought to bankruptcy, that in such case only shall the debtor have a discharge; the legislation would be acceptable and in the interest of the trade of this country, but if it goes beyond that, if it induces people of no means, without experience and without character, to embark in business in which they have everything to gain and nothing to lose, and lead to the slaughter of bankrupt stock on the market, destroying the enterprise of honest traders, then we had better do without a bankruptcy act altogether. I am very much surprised at my hon. friend's position with regard to the proposed fast steamship service. He must know that he is speaking for himself only, and that the people of the whole Maritime Provinces are in favour of it, and he knows, or will find out that all men of business, ability and energy, all who put country before party, go heartily in favour of that enterprise. The Government has been more than once censured for delay in this matter, but it has been no fault of theirs that the line was not established long ago. It was simply because those who were anxious to go into it found that the subsidy was not sufficient. My hon. friend from Halifax says that it is not fair to other steamship lines.

Hon. Mr. MACDONALD (B.C.)—They can take it up if they like.

Hon. Mr. KAULBACH—Year after year they continuously for several years had the offer before them, and if they considered their own enterprises sufficiently lucrative and had not ambition enough to extend their

operations, the fault is theirs. I consider that this is going to give unequalled advantages to the trade of Canada, especially to the farmers of this country—something that they never have had, and will never get except by a large subsidy. Without it we would have to send out light freight and our passengers to New York. Should we continue to do so? No. I believe our country has become so important that we need not depend upon the United States for communication of any kind with the mother country. By a direct line we shall not only benefit merchants and the travelling community, but the farmers will be especially benefited in the shipping of dairy produce and fresh meat, fruit of all kinds and many things which we do not at present think of sending to the English markets, enabling them to compete more favourably with our neighbours. In every enterprise that the Government has undertaken we have had this opposition from our Liberal friends—I might say from our illiberal non-progressive opponents They seem to think that anything the Government proposes cannot be good or useful to the country or else are envious of the progress and prosperity that abound under wise administration. Their sole object seems to be to obstruct, yes, even to destroy, any enterprise which tends to enhance the popularity of the Government or would give to Canada that prominence which her great heritage and her position in the empire demands. The remarks of the leader of the Opposition and the hon. gentleman from Halifax are not in harmony with the sentiment of the people of Canada but are the expressions of a class of people who decry any enterprise which tends to advance the prosperity of the Dominion. If capitalists are scared out of this enterprise, if it fails, the opposition in this and the other branch of parliament will be held responsible by an indignant people.

At six o'clock the Speaker left the chair.

## After Recess.

Hon. Mr. KAULBACH resumed his speech. He said: At six o'clock I was endeavouring to show that this fast steamship service would give unequalled facilities to the farmers of this country to reach the best and only profitable market for their produce. When the service is established we will have direct, easy and shorter communication with the greater part of the commercial centres of the world, and thereby increase our commerce and international relations. We must recollect that in this country we hold a great and noble heritage and no mean position in the empire. We have a territory which includes one-half of North America and more than one-third of the whole of the empire, with capabilities and possibilities beyond anything that we are fully conscious of. Our heritage is great and our duties and responsibilities must correspond with it. Our country faces both shores of two mighty oceans and we have 1,000 miles of inland navigation. If we remain true to ourselves and united and loyal to our country in the face of external rivals and internal foes, having confidence and faith in Canada, there is a future of greater prosperity and progress for this country than any of us can realize. We have Australia, on one side with its immense area and undeveloped resources and great possibilities, and we are bound, as they are, to go forward with the march of improvement and help as far as our grand position enables us, to unite together this great empire of which we form a first and commanding part. England and her colonies are becoming conscious of our commanding position and of the vast capabilities and possibilities, of our immense and as yet largely undeveloped area, and though not a nation, we have in many ways the interest of a nation to consider. Therefore this question of rapid steamship service is one which no patriotic man should raise his voice against, certainly not the hon. member who comes from Halifax, the winter port of the service, and yet while Mr. Huddart is endeavouring to start this project and interest capitalists in it on the other side of the Atlantic, we find the leaders of the Opposition in both Houses of Parliament here with the senior member from Halifax throwing cold water on the enterprise, yes, even attempting to strangle it. If Mr. Huddart should meet with failure, the country has a right to and would lay the blame at the door of the Opposition in Canada. My hon. friend from Halifax touched on the Behring Sea question, and assured us that there was really no question to be decided at all, and yet we all know that it was a question that brought England nearly to the verge of war. He said that it was as plain as that two and two makes four, or that the Dutch had captured Hol-

land, and he virtually told us that the people of the United States were pirates and marauders on the high seas. I do not quite agree with him in such an assertion. We had, as we always held all the rights of law on our side, and in all of them we have been sustained, it is true, but still there was a serious as well as a large subtle, and I might say a sentimental contention on the other side, and I am surprised that my hon. friend should imagine that a complicated case, such as it was, could be so easily disposed of, requiring no more capacity to determine than what two and two make. We got our rights by arbitration, and we maintain our right to float our flag, the British flag, as British subjects on the high seas—rights which were threatened to be taken ruthlessly from us when our vessels were captured and our people imprisoned. The regulations were a matter of minor importance. It may be that they are not such regulations as we conceive to be in the least in the interests of Canada and we hear that our neighbours are equally dissatisfied, but they were made by able and impartial men and are intended to protect the seals as much from the citizens of the United States as from our own people. My hon. friend from Halifax says that by these regulations we will be thrown out of the sealing industry altogether. If so the citizens of the United States must be thrown out also. The only place where they have the advantage over us is on the islands, and if the Government of the United States really wish to protect their seals, their police force united with our force will see that the regulations are observed on the islands, and that the annual slaughter of seals is kept within limits agreed on between the United States and the seal company. I do not think the Government of the United States would pursue such a suicidal policy after all the trouble and expense they have incurred, and even straining after rights that they did not possess, as to destroy the sealing industry by an indiscriminate slaughter on their own islands, protected by the 60-mile zone or girdle. But there is one thing certain to us, that these regulations apply only to citizens of the British empire and of the United States, and our sealers may go under a foreign flag and pursue pelagic sealing with impunity. We have not the control of them outside of the three-mile limit, and I think it would be a good policy on the part of the United States and Canada to get all other nations to join with them in the arrangement for the protection of the seals, especially Russia and Japan. Even if those countries joined with us, it is a question whether we can so effectively police and guard the seal fisheries as to enforce the regulations ; it might perhaps involve a greater expense than the seal pelts are worth. At all events, it is an industry in which British Columbia is deeply interested, and one also in which the people of the United States are interested. We from Lunenburg have sent some of our best vessels and fishermen to pursue that industry, and it is yet believed to be a profitable business. When my hon. friend from Halifax speaks about the whole thing being given up, he assumes to know more than the people who are engaged in the industry. The seal fishermen that have engaged in that industry continue in that industry and are prosecuting it since the regulations were framed. They evidently do not think that sealing has been destroyed. If they thought so, they would not have this winter bought vessels in Nova Scotia and invested capital to fit them out for the enterprise. They are practical men, know their own business and mind it, and they are satisfied that the industry is not destroyed. My hon. friend referred to the stand taken by the English Government in the Mason and Slidell case sixty years ago, and he told us that if England were to-day what she was at that time she would soon have terminated this dispute in war. Well, we were very nearly brought to war on this question—we were verging upon it as England was compelled to uphold Canada's rights as British subjects when this arbitration was agreed to. I may say that I do not wish to see war with the United States, and I am glad to know that on this, as in all other matters of international dispute, we can have a peaceful settlement by means of arbitration. Why should it be otherwise, situated as we are alongside of a nation who are of our own kindred and blood? We should be sorry to have war with our neighbours, and it should never be contemplated except as a *dernier ressort.* Canada would have everything, at least very much, to lose by such a conflict. Therefore, I am glad that this dispute has been amicably settled, and that an example has been set to all the nations of the world, showing them that the most unyielding questions and claims of nations may be settled by arbitra-

tion and not by the sword. It is the most Christian, just and humane manner in which to dispose of disputes which cannot be adjusted directly by the parties interested. My hon. friend is disposed to think it very improper that those connected with the Inland Revenue and Customs Departments, after getting all the information they could regarding the wishes and interests of all industries while travelling through the country, should allow persons interested in manufacturing industries to confer with the Ministers. I have yet to know that our Ministry has every failed to see, and communicate with, and confer with gentlemen who come here on public business. It would be a strange thing indeed for our Government to do. They have always shown themselves anxious to get the opinion of the people of Canada upon everything affecting the public interest, and therefore I do not think it is improper, when persons interested in any manufacturing industry come to interview the Government that they should be heard. They may possibly furnish information that may be valuable to the Government and to the country, and it is but right that they should be heard. I know it was different when the Liberal party were in power. At a time when the country was in a desperate state, people came from all parts of Canada asking them or reasoning with them to adopt certain measures for the benefit of the country, and they were told by the Minister of that day to go to a warmer place. I do not think that is the way our Ministers would act, and I should have very little respect for them if they were to treat any person or any delegation from any class of the people, or from any part of the country, who approach them in a respectful manner with such scant courtesy or bad advice.

The hon. leader of the Opposition told us that Prince Edward Island is not as prosperous to-day as it was in 1873—that its trade is not so great now as it was then. But he ought to remember that that was among the years of Conservative prosperity. My hon. friend must also have forgotten that it was not until July, 1873, that Prince Edward Island entered the confederation and that much of its trade which was then considered foreign, as the Canadian trade then was, is now intercolonial trade. Her imports and exports were largely with England and the United States, and it took some time to divert them into Canadian channels. Now we know that the great bulk of their trade is with other provinces of Canada and therefore not accounted for in the trade returns of the Dominion. The hon. gentleman never took that into account: we must in charity suppose he forgot it. Prince Edward Island's trade with us is most profitable, it is alike profitable to them and to us—the trade of Prince Edward Island has largely increased since it united with us—and its prosperity has increased. If the Opposition imagine that they can deceive the people of Prince Edward Island by such statements as came from the lips of the leader of the Opposition in this House, they must credit them with very little intelligence. The people of that province, as I have said, well know that their prosperity has increased year by year, and that they have lost nothing, but in every way increased and multiplied since they entered the confederation. Their industries, as every one knows who know anything about it, have increased, and their markets have been enlarged since they united with us. My hon. friend talked about cotton lords and sugar lords. I think the leader of the House rebuked him sufficiently on that point. I can remember not many years ago when on the floor of this House he twitted the Government with inducing people to embark in those enterprises and lose their capital, and I would ask how much profit they made on those industries. I know that those who went into them jeopardized their capital and lost money for want of knowledge and skill, because too many persons engaged in them, and from enemies in and outside of Canada who plotted their destruction.

Hon. Mr. BOULTON—Confined markets.

Hon. Mr. KAULBACH—I do not know where then or now you could find a bigger market, certainly not in free trade England; because we were told then and we now know that in the United States those great sugar and cotton kings are not making money out of it, but the hon. gentleman forgot to tell us that the very moment those industries are put on a proper footing the manufacturers make but a small, possibly a reasonable profit. They do not make large profits. Any one can buy their stock at par, probably below that, if he thinks that the profits are attractive. We all know that sugar was

never cheaper in Canada than it is to-day. It is cheaper than you can get it in the United States. You can get two pounds more sugar for $1 in Canada than you can get in the United States, and cheaper by half than it was not very long before confederation. That cannot be contradicted. What would be our condition if our local and Dominion industries were destroyed? In the years from 1873 to 1879, when the Liberal party were in power, the sugar industry then existing in Montreal was destroyed by the policy of the Government. The leader of the Opposition admitted that. What would be our position if we, after building up those industries with a protective policy, were to throw open our markets to foreign competition? It would be just like from 1873 to 1878, when here and elsewhere had to be established soup kitchens for those who wanted work and could find none. We would be worse off than they are in the United States. They could flood our markets, break down our local industries and then charge us what they thought proper. My hon. friend did not dwell much on the condition of affairs during the five years his party were in power. We know what their record was, every industry of the country was paralyzed. Do they want the country to go back to that condition again? The Opposition have not changed their policy. If they are honest in their professions, they are on the same track now that they were then, and as like causes would produce like effects they would soon bring this country to the verge of ruin as they did before. When they were in power they increased the taxes beyond what they had been before, but they did not increase the revenue and they piled up the debt of the country with very little or nothing to show for it. Could they point to any industry or any enterprise of importance on which the public money had been expended? The only prominent conspicuous industry they could point to as having been established under their regime was the soup kitchens, and even those were the work of those who had sympathy with the starving people. Many of us can remember when honest workmen filled the streets of Ottawa and came to these buildings begging, not for assistance, but for work. They were cast to one side, treated at least with indifference and told that they should eat less—I believe that was practically the advice and encouragement given them. This Government when taking office in 1879 initiated a new era, and there has been progress in the country. Talk of the people going out of the country; the exodus was at flood during the five years the Liberals were in power. The country was fast becoming depopulated. Anybody who looks over the United States statistics will see that the exodus was not so great in the decade between 1881 and 1891, as in the preceding decade. It was not stopped at once after the change of Government, it is not easy to stop such an exodus—the rush was too great. It takes years before you can turn the flow of the population again into proper channels, and when my hon. friend rejoices over the exodus from this country to-day, he knows in his heart that the flood gates were opened wide for the departure of our people to the United States long before the National Policy was initiated. My hon. friend states that 75 per cent of the people of our country are so ignorant that they do not know they are taxed and downtrodden by the other 25 per cent of the population. Well, the present Government have been in power for fifteen years and have been sustained at the polls every time they appealed to the electors. The people know that the Government have been true to the trust reposed in them and have sustained them in carrying out the principle of protection in this country. The policy now is the policy of 1878, and I hope it may long remain so. I see no reason why they should depart from it. No doubt changes will be needed to adapt a tariff to the ever changing wants, necessities and developments of the country. Any law of this kind affecting the revenue of the country must adapt itself to time and circumstances. Our tariff to-day on all classes of imports is on the average not more than 17½ per cent, not more than it was during the five years of the Mackenzie regime, on all non-enumerated articles. I do not believe the Government have done anything to forfeit the confidence of the country, or that they should depart from the principle of protection which has brought prosperity to the country. On the contrary, I believe they have as much of the confidence of the people as they had fifteen years ago. It is remarkable to me that Canada has maintained its prosperity when all the commercial nations of the world have felt the pinch of trade, and our neighbours to the south of us have been paralyzed financially. It is

singular that this country has escaped such widespread depression, and I ask the House to consider why we have escaped it. In my opinion, it is because for the last fifteen years our Government have so carefully watched over the interests of the country, its banking and other monetary institutions, and developed its resources, giving us railway facilities, and deepening and enlarging and improving its canal system, and giving us all the facilities, not only for interprovincial but outside trade, that the consequence is that the shock in the commercial world outside of us has not materially affected us. If we had adopted the policy advocated by the Opposition, where would Canada be now? Where would we have been if we had not our wall of protection up against the United States? The surplus production of that country would have been brought into our markets destroying every local industry. It is only that wall of protection that saved us, not only from financial depression, but from being brought to a paralyzed condition which it would have taken years for this country to get over. Therefore, I think the people of Canada have been in safe hands, and I congratulate the Government on the success which has attended their administration which has brought peace, contentment and prosperity to every part of the Dominion. My hon. friend from Halifax and the leader of the Opposition question all this. In our province of Nova Scotia there is no question about it, and yet we do not believe that we are in a better position than any other province of the Dominion. My hon. friend states that the wealth of the country was in the hands of these cotton lords and sugar kings. In my own province, speaking for my own county, I know that the wealth of the country is widespread, as can be seen by looking at the reports of our monetary institutions and savings banks. Men of the humblest walks of life have saved up and safely invested money for their old age. It is the same throughout the province. It might be better, perhaps, if the money were in circulation, but I mention it to show that the earning power of the people of this country has been and is great, and that they are prosperous. If the statements of my hon. friend were correct, what would our position be? If the people were going out of the country with their productive wealth, if our resources were not being developed, could the people give such evidence of prosperity? If the policy of the Opposition were adopted, and we were not bringing raw material into the country to be manufactured and our people were leaving the country to find occupation in the United States where would our farmers be? The best market for the farmer is the home market, and if our people are driven out of the country to find employment the farmer loses his home market. Such a policy would be suicidal and no one would suffer more from it than the farmer himself. If we had free trade the farmers would be subject to direct taxation. The Address says that it is gratifying to observe that the expectation formed last year as to the continued progress of the Dominion had been fully realized. I do not think any one will cavil at that. I do not think the statement is made in too glowing terms. The trade of Canada increased last year some $6,000,000, while the trade of our neighbours to the south of us decreased $143,000,000. This shows, as a matter of comparison as well as of fact, that this country is improving. We note that Canada sold to England of agricultural products $3,000,000 worth more and purchased $2,000,000 worth more than in the previous year, and at the same time we purchased from the United States about $1,000,000 less. I think we can very well endorse the statement made here in the Address and boldly assert that this country is beyond all comparison the most contented, prosperous and happy of all the countries on the face of the globe. I am satisfied that every man here feels in his heart that such is the fact, and that they are safe from financial and commercial depresssion. As evidence of the fact, during the last year the liabilities of those who failed were less by more than $1,000,000 than the preceding year, while in the United States the increase was from $188,000,000 to $383,000,000. There can be no doubt as to the prosperity of the country and that prosperity will continue so long as we are true to ourselves and stand shoulder to shoulder in promoting everything that tends to the interest of the Dominion, and in speaking well of our country at all times and in all places, and showing that we have confidence in its future. If we continue to march on these lines and continue to be guided by the principles which were laid down fifteen years ago as the well understood wishes of this people, I believe we will go on prospering and to

prosper. Our revenue has been adequate for our purposes meeting all claims upon it, while in the United States, they have a deficit of about $100,000,000. That we have escaped such a financial calamity is owing to our stable, certain and sure protective policy. If it had not protected our industries our position would be no better than theirs. I have already referred to the Behring Sea award, which suggest to me the fact that by the force of Canada's position and compulsion of circumstances, the statesmen of the Dominion have become the statesmen of our great empire. They have been sought by England in the discussion of some of the most vital questions involving the rights and interests of the empire, and their advice has been essential to the wise conduct and to the maintenance of the just rights of our country, and they have been worthily honoured. It is a matter of pride to us, as colonists and as members of the great empire, that we have men who are capable of holding important positions under our sovereign, men in whom the empire has sufficient confidence to place them in high and important positions to deal with matters in which the empire at large, and especially this part of it, is deeply interested.

The next paragraph intimates that it is not intended to change the principle on which our tariff is based. I hope that the Government will not be influenced by any interest, or any section, or by any class in the community, to depart from the sound principles which have guided them thus far, and that in any change they may make in the tariff they will have a due regard to the interest of the whole Dominion. That is the position they have maintained in the past and which I hope they will continue to maintain. We should be careful in all that we do to keep our operatives in this country. They are a source of wealth to the Dominion, and we should be careful not to adopt any policy which may injure the industries in which they are engaged. On the contrary, we should seek to multiply those industries and thus build up the Dominion. We must be jealous of and ever ready to guard and protect their rights and interests. If we should do anything which would lead our operatives to desert us, it would be a blow to the development of the country.

Some remarks have been made with regard to the ocean steamship service. I am glad that the leader of this House was sent to Australia with a view of increasing our trade with the Australian colonies. I am satisfied that whatever he said or did while on that mission was in the true interest of Canada, and that we shall soon hear of beneficial results from his trip. Already we have had an intimation that delegations will be sent to this country from the Australian colonies to confer on questions affecting the trade between Australia and Canada, with a view to establishing a closer connection commercially between these two great sections of the empire. It is only by means of a steamship line, and what of necessity must follow, a cable between Australia and Canada, that such closer connection can be brought about and successfully prosecuted. I believe that before many years the interests of Australia and Canada will be so blended together that they will only wonder that they were so long separated.

There has been some reference to the Dominion lands in the Address. I do not know what the measure is to be, but if it in any way affects the settlement of those lands it is a question of great importance to Canada. We have a splendid country in the North-west, with great capabilities and great resources, and it is in the interest of the Dominion that they should be settled as rapidly as possible, and that immigrants, when they come to this country will find ready means of communication with the unsettled territories in that part of Canada. If they find the country a desirable one, they will be the best immigration agents. They will report to their friends abroad what they find here, and their success will encourage others to join them. Therefore it is to our interest, as far as we can, to place every immigrant well that he may send a favourable report abroad to his friends. It was by such means that the United States filled up their country and it is the way that we can succeed in filling up ours. Settlers should be directed to the best lands and those easiest of access. We all know that prosperous settlers are the best emigration agents —their friends and neighbours come by their reports and advice. We may soon expect immigrants not only from Europe, but from the United States, who find this a better country. All the best lands in that country have been taken up, and of late the capabilities and resources of our own vast territory are becoming better known. It is our

duty to watch earnestly and exert every effort to advance the industries and development of the resources of our country—a country of which all of us may well be proud.

Hon. Mr. McINNES (B.C.)—I have no doubt the House will be highly pleased when I inform them that it is not my intention to go through the whole bill of fare, like the hon. gentleman who has just made his speech. My remarks will be confined to one or two paragraphs in the Speech from the Throne, but before referring to those paragraphs, I desire to call the attention of the House to the omission of a clause from the Address which appeared in the Speech from the Throne last year. It was considered worthy of a place in the Speech from the Throne in 1893, and I regret to see it has been omitted from the one under consideration. I refer to the ninth paragraph of the speech of last year, which promised that provision would be made by which voting by ballot should be extended to the North-west Territories. I always took strong grounds, from the time that the very first Act was introduced in this House to give the North-west Territories representation in the other branch of the Legislature and in this, that they should have the ballot the same as the provinces. I held that no exception should be made as to the manner in which elections for the Dominion House should be conducted in these territories. Depriving them of the ballot I looked on as a slight, and I might say an insult and a reflection on the intellect of the people of that portion of our great Dominion.

Hon. Mr. ANGERS—If the hon. gentleman will allow me to interrupt him, there is a bill now before the other Chamber—it may have been read this afternoon for all I know—introducing a measure in compliance with the wishes of the hon. gentleman.

Hon. Mr. McINNES (B.C.)—I am very much pleased to hear it. I was not aware that the Government had brought down a bill of that nature. It having been named in the Speech of last year, I thought it was only reasonable to assume that if they intended to make the desirable change it would have been mentioned in the present speech. I am very much pleased to hear the announcement that the hon. gentleman has made.

The first paragraph in the speech which I desire to criticize for a short time is that which has reference to the Behring Sea Arbitration. I had the pleasure, a few nights ago, of listening to the right hon. gentleman who leads the Government of this country in his reply to the gifted leader of the Opposition, and when he came to deal with the criticisms of the leader of the Opposition with respect to the Behring Sea Arbitration, he stated emphatically, and I have his speech here as reported in the Commons Hansard, that the present regulations would not diminish or injure the sealing industry in the province of British Columbia. I can assure this House and the hon. the leader of the Government in this Chamber and the hon. the leader of the Government that they have been misinformed. In order to show how the award and regulations of the Behring Sea Arbritation are viewed in my province and by those engaged in the industry, perhaps I cannot do better than read a few articles and editorial comments from the leading Conservative organ in the province of British Columbia, namely the Victoria *Colonist*. I have no doubt the leader of the Government here and others will probably attach more importance to the statements made by that Conservative organ than they will to anything I may say here. The following is an editorial from the *Daily Colonist* of August 18th, 1893:

THE ARBITRATION.

It is not a little singular, but still, in a measure it is not surprising to notice the manner in which the award of the Behring Sea arbitrators is regarded by the people of Great Britain and the United States, who alike seem to have gained their point—the one in the maintenance of the principle for which they contended, the other in securing the object which they had in view. This is well expressed by the New York *Herald*, which says, "it gives the Government and to its lessee, the fur company, all that was, rightly asked." Our neighbours have, it would appear, reason to congratulate themselves; for though they are beaten they, as it is said, have gained all and more than all, which the late Secretary of State Blaine demanded. Britain's victory is for Canada worse than a defeat, for though it is logically expected to have secured to the British Columbia sealers indemnification for the losses to which they have been subjected by undue United States interference, it has, it is claimed, destroyed a local industry in which a capital of over $500,000 has been invested, and in which some 1,500 or more men earn their own living, and at a low estimate that of from four or five thousand women and children. "Schooners for Sale!" will undoubtedly be the announcement on all hands, and the United States or the Alaska

Commercial Company will be able to come in and obtain cheap vessels and outfits for the prosecution of that industry which they have managed to lock up against those who were the first to develop it and to demonstrate its possibilities. Captain Warren's point would appear to be well taken: "The arbitrators agreed we were in a legal and legitimate business," his question being only the natural corollary, "but why should it be taken from us without payment for value received?" Doubtless there are many who will be disposed to agree with Captain Cox, although they will hardly undertake to say so, when he remarked that the decision is "not to protect the seals" while "the arbitration was merely a farce, the motive of which was to give some shadow of colour, some reason which England could advance when told of the injury, wanton and illegal, done to vessels flying her flag. She did not want to protect them, but must have an excuse for neglect." This, it may be remarked, is a most serious reflection.

The question, however, not unnaturally, arises whether or not, since the regulations submitted are outside of the questions presented to the Board, although it was intended that suggestions for the better protection of seal life in the future should be made—are binding. The principle at issue was whether or not the course of the United States was justified by international law, the proposed regulations being, it is claimed, merely suggestive of mutual action for the future, and that being the case, should be open to revision and amendment. There were five questions arbitrated upon involving matters of principle, and the correctness of the British position with regard to them was fully vindicated by the award. Not having committed any international wrong—and this was the contention of even the British Government—the Canadian sealers ought not, they say, to be compelled in spite of themselves to submit to regulations which, as even the American agent, Hon. John W. Foster, with others, has declared, are "much better than Mr. Blaine vainly offered to Lord Salisbury in 1890 as a settlement. Mr. Blaine then proposed as the seal restriction of pelagic sealing to prohibit within sixty miles of the Pribylov Islands. The present settlement is also more advantageous than the one proposed by Mr. Bayard in 1888, as he asked no protection for the seals during May and June."

There is, however, a silver lining to the cloud even should it unfortunately have burst upon us in its fullest intensity. There is the prospect, unless the Americans repudiate their obligations, of the British Columbian sealers receiving indemnity for the vessels that have been illegally seized—some of them confiscated—for the losses to which their owners have been put, on account of an unwarranted interference with them in their legitimate avocation, and for the hardships to which the crews and hunters have been subjected, because of the enforced stoppage of their lawful pursuits. Great Britain, although our sealing men are, some of them, inclined to complain of her action, has paid the bill for the injuries inflicted by reason of the sudden putting into force of the *modus vivendi*, and it is now for the United States to meet their obligations, otherwise the feeling of dissatisfaction and injury will be intensified.

But there is a strong element of dissatisfaction in the United States. Secretary of State Gresham, who occupies the position formerly filled by the late Mr. Blaine, is among this number, his views, it is said, being shared by his colleagues. But that is not on account of the stringency of the regulations, but because they are interpreted to mean that the United States will have entailed on them the cost and worry of patrolling Behring Sea without benefit to their sealers, while Russia, Japan, and perhaps other nations reap the harvest, the regulations being binding only on Great Britain, Canada and the United States. It is claimed that as a consequence of the regulations in the close season, during May, June and July, both Great Britain and the United States will be obliged to maintain a fleet of naval vessels to police the sealing waters, and it is believed at the Navy Department that this will result in the establishment of a permanent Behring Sea squadron for duty during the three months named. The United States will also be obliged to maintain watch on the waters within the sixty-mile zone around the Pribylov islands during entire mild season from April 1st to September 1st, and it is probable this duty will be discharged by vessels of the revenue marine service. And for what object is all this? To secure a monopoly of the seal trade for an American company. The New York *Sun* thus puts the case:

The truth is that we never had the faintest grounds in international law for the claim that the Behring Sea was a mare clausum, or that by cession from Russia we acquired exclusive jurisdiction over the eastern part of it, or that we possessed any right of property in seals outside of the three-mile limit. The money spent on the assertion of such a bare claim has been thrown away. So far as the case made by our State department, it met with deserved and derisory collapse by the Board of Arbitration, but the protection of the fur seals, which the arbitrators deny the right of the United States to give, and for giving which we must pay damages to the owners of seized Canadian vessels, will henceforth be assured to the animals by virtue of a decree of the international tribunal. The arbitrators have taken measures to fulfil, the humanitarian purpose of safeguarding seal life, which, however, was notoriously nothing but a pretext in the mouth of the Alaska Trading Company. As to claims of exclusive jurisdiction, or of special rights of property in the seal fisheries, these are treated with contempt.

It may be remarked that in the sole interest of the Alaska Commercial monoply the American citizens and sealers have been placed in precisely the same position as the British Columbia sealers, and well may they complain. On them will be levied the cost entailed in the so-called protection of seal life, which means the maintenance of a monoply purely and simply in the hands of a few Republican politicians. The situation is a most unsatisfactory one—unsatisfactory to the bulk of the people both in Canada and the United States; and it is not, we confess, every British Columbian who can regard it with the same equanimity as the editor of the *News-Advertiser*, who says:

The practical conclusion of the whole matter is, that whilst Canada gains in regard to all sealing things of the recent past submitted to the arbitrators' decision, the United States and their Alaskan vessels must incidentally profit largely by the results of the decision as to things future. The rea-

son for this latter consequence being, however, an intention to protect seal life, we can console ourselves in the matter with the reflection that the Canadian case lost nothing from any want of able argument, as also with the feeling that, if the arbitrators' view is correct in fact, the restrictions, somewhat arduous though certain of them seem, tend to prevent a still greater evil, namely, the extinction of a valuable fishery by utter depletion. We feel, moreover, considerable confidence that the skill and energy of those engaged in our sealing industry will, despite the restrictions in question, render good and profitable account of themselves year by year.

I will only trouble the House with a couple of short extracts more. What I read was in the *Colonist* of the 18th August; on the 3rd September, the same paper makes the following comment:—

"A HUMANE PURPOSE."

The New York *Herald*, in its congratulations as to the outcome of the Behring Sea arbitration, is inclined to be humorous. Indeed, the attitude of the United States in this matter has had about it a very great deal of the ludicrous; but, for all that, there was the constant presence of the eye to business. In its editorial on the decision of the arbitrators it says: "The position taken by the United States in the Behring Sea affair was the outcome of a humane purpose." Where has been manifested the humanitarian aspect of the case? Was it upon the Pribylov Islands, where the hunters have, under Government protection, perpetrated the most atrocious cruelties upon the unfortunate seals, and is it to be demonstrated in the future in the unsparing use of the spears and clubs which are certain to be so effectively used on the island and other rookeries? How the well-known fur dealer, Mr. Liebes, appreciates the humanitarian aspect of the case he describes when he says: "In that decision we got just what belonged to us, nothing more and nothing less. Our rights have been preserved, and those of England have not been infringed upon. We have the seals and England dyes the skins." Blood and fur is what the Alaska Company will have secured if the regulations go into force.

* * * *

Dr. Dawson placed his hand on the weak part of the award when he directed attention to the fact that the arbitrators were precluded from making any arrangements for the preservation of seal life on land. It does look almost absurd to see the arbitrators making elaborate and stringent regulations for the preservation of seal life on the sea, where the creatures have many chances of escape, while they could not interfere with the massacre of the seals on land, where they are completely at the mercy of the pursuers. Dr. Dawson said recently:

Our investigations show conclusively that heretofore the greatest injury to the seal fishery has resulted from excessive killing and careless methods upon the Pribylov Islands, where the seals land to breed each year. Being within the territorial limits of the United States the regulation of sealing upon those islands was not submitted to the decision of the arbitrators, but, as the United States may now rely upon more than adequate external protection, it remains for the Government of that country to carry out its professions with regard to killing there. The responsibility with regard to the future prosperity of seal life now rests mainly with the United States, and if the seals do not increase and multiply it will be because of their acts upon the islands.

But the preservers of seal life, who sat five months in Paris to consider how best they could accomplish the end they had in view, have not been able to do anything whatever towards lessening this "excessive killing" or towards improving or suppressing the "careless methods upon the Pribylov Islands." It is on those islands common sense points out that protection ought to be given. It is there that it is most required, and there only can it be made effective. It is said that there is a limit to the seals which the Commercial Company may kill. Granting this for the sake of argument, and for that only, there is no limit to the number which the company may mutilate and torture in their efforts to get the seals which it pays best to kill.

When the American claim to property in the seals was disposed of, all that remained for the arbitrators to do was to make such provision as could most effectively extend to the seals which it was said the preservation of the species imperatively required. But they must have felt that any regulations they might make, as long as they could not touch the principal cause of the diminution of the seals, must be ridiculously inadequate. As long as the Commercial Company can do as they please with the seals on land, the restrictions on pelagic sealing will do very little towards the preservation of seal life. The sum and substance of the whole matter seems to be just now that it is the Commercial Company alone which will receive any immediate benefit from the award of the Behring Sea Arbitration. Dr. Dawson says that the United States Government may carry out its professions with regard to killing seals on the Pribylov Islands. That Government has hitherto been most lax in its oversight of the company's operations and practices, and there is no reason for concluding that it will not be equally lax in the future.

The editor goes on for half a column more commenting in a more severe manner than he did in the first editorial which I read. I have another one of a somewhat later date, which contains an expression which I do not approve of. Yet, as it expresses the views of the sealers, I feel it to be my duty to read it to the House.

Hon. Mr. BOULTON—Could not the hon. gentleman hand it in?

Hon. Mr. McINNES (B.C.)—No, I do not propose to hand it in. Probably the hon. gentleman himself would not be anxious to hand in anything bearing on free trade.

Hon. Mr. BOULTON—Free trade is a much more important question than one of this kind.

Hon. Mr. McINNES (B.C.)—While I admit that free trade is a very important subject, yet the question I am discussing is an exceedingly important one to the Pacific province. The article is entitled: "Called a Babbling Ass." This is the expression I referred to a moment ago—"that babbling ass should be silenced," was what Captain J. C. Cox said. This Captain Cox, I might inform the House, is the President of the Sealing Association of the province of British Columbia, a man who has been in the business from its earliest history, and a man who is thoroughly conversant with every phase of the industry. He applies that term to Sir Charles Hibbert Tupper. I do not sympathize with Captain Cox, when he applies the expression "Babbling Ass" to the young Sir Charles Hibbert Tupper, for I claim that he has few superiors in the House of Commons either in point of intellect or ability. He is a man whom I have always held in the highest estimation, and as far as ability is concerned I am not afraid to say that, in my estimation at least, he stands not only equal to, but superior to his talented dad, and that is saying a good deal.

CALLED "A BABBLING ASS."

WHAT SEALING MEN THINK OF SIR CHARLES HIBBERT TUPPER, K.C.M.G., AND HIS REMARKABLE PROPHECY—HIS STATEMENTS IF BELIEVED WILL GRIEVOUSLY AFFECT PRICES AT THE OCTOBER SALES IN LONDON—WHERE THEY ARE UNTRUE.

Sir Charles Hibbert Tupper, K. C. M. G., was interviewed at Ottawa yesterday by the *Colonist's* representative at the capital and is quoted as saying that "the British side of the arbitration had to fight hard to secure permission for pelagic sealing, and they did well to secure the regulations they did. At the same time," he added, "they are not my ideas of what the regulations should be, even as a means of preserving seals. They are neither in the interests of the United States or Canada in that respect, and, mark my words, next year's catch of British vessels will be the largest in the history of pelagic sealing. That this great slaughter will occur at a time when it may be most destructive to the seal species will be the fault of the regulations."

This choice morsel of intelligence was very pleasantly received by the sealers this morning. "That babbling ass should be silenced," was what Capt. J. G. Cox said. "His prophecy is a falsehood pure and simple, and can have but effect if his words bear any weight in London. It will injure the price of our skins taken this year. We have a good catch, probably the last we will ever make, and have counted on getting a fair price for it. The skins are not sold yet, most of them being now en route to London for the October sales, and if it is believed there will be any kind of a catch next year prices will be grievously affected. Here young Tupper says next year there will be "a great slaughter," and the catch will be the largest in the history of pelagic sealing. He must have known this to be false when he uttered it. Anybody who has read the regulations knows that it will be impossible. Why, I tell you that the things we fear the most will be the rules made at Ottawa for carrying out the Paris regulations. Ignorance may lead them to bind us both hand and foot. I believe now sincerely that the future of the industry is destroyed. We may be able to do something in the first season ending June 1st, but I would not send a white crew out after Aug. 31st. They can get no seals outside of the sea, and cannot enter it. The Japan sea offers little relief. The hunting grounds are small and too many schooners render it unprofitable. This year only about nine schooners made good catches there. You see, the season is longer, and it takes a better catch than on this side to equalize the expenses."

"As to the scheme to memorialize the government to purchase our vessels and outfits I do not think there is much in it. What can they expect from a government not in sympathy with them. The government, in full possession of all the facts, has placed us in this predicament. What nonsense to expect them to extricate us. And then the situation is no darker than when, early in the dispute, our vessels were seized and confiscated and our men thrust into jail.

"A great deal has been said to the effect that the regulations cannot be enforced and that it would take an 'Armada' to do so This is all wrong. The captains will be required to keep a carefully prepared log showing the number and sex of the seals killed, with the place they were taken. Now with 25 men on a schooner it will be out of the question to do anything wrong, for the licenses will be more valuable than the schooner. And then, again, as they have gone thus far they can name a dozen points of rendezvous on the coast and make the schooners report when the close season arrives."

Capt. Cox uttered the sentiments of a dozen others in what he said as to the asinine genius of young Mr. Tupper.

Hon. Mr. McKAY—I understood that Capt. Cox denied ever having had that interview.

Hon. Mr. McINNES (B.C.)—I saw that statement made some time afterwards, but it is only too true that he did have such an interview, and expressed himself in the manner I have mentioned. Probably he got fresh light on the subject and thought it was not good policy for him to reiterate such views in public. I believe firmly that the hon. gentlemen who represented Canada at that arbitration, namely, the right honourable the Premier of this country, and Sir Charles Hibbert Tupper, Dr. Dawson, and the learned Dr. Robinson, the lawyer, did everything that lay in their power for Canada, yet it is my firm conviction that

they were completely overshadowed by the members representing the mother country. Most of us are probably aware of the fact that the first seizure took place in August, 1886. Three vessels were seized at distances of from 60 to 130 miles from the Pribylov Islands. They were there plying their legitimate avocation, and without any warning or pretext they were seized by the United States revenue cutters and run into United States ports, the captains and crews were imprisoned, and the vessels' cargoes confiscated. The same thing occurred, notwithstanding the remonstrances made by the British Government through the British Minister in Washington, in July and August of the following year. Remonstrances still continued to be made by the home Government, I believe, but little or no attention appears to have been paid to their representation. In 1888, fortunately for the British Columbia sealers, no seizures were made, but the following year, 1889, five more vessels were seized in Behring Sea and treated like the former ones, and three others were peremptorily ordered out of Behring Sea. It may appear rather strange that while these acts of piracy (for I cannot consider them in any other light) were being perpetrated on the high seas and in Behring Sea on British vessels, British men of war should be lying quiet at anchor in Esquimalt Harbour only 600 or 700 miles distant from where these outrages took place. I could not help this afternoon endorsing the sentiments expressed by the hon. the senior member from Halifax, when he said that the United States, or any other nation, would not have tried to take such a position as that 70 years ago. If the British Government had stood firm to their guns and demanded a cessation of these unlawful acts of the United States Government, because I suppose it was on the authority of the United States Government that these seizures were made, I firmly believe that Brother Jonathan would soon have stopped his nonsense, and that not one shot would ever have been exchanged between the two nations. I cannot conceive of anything that would produce such a state of affairs as to bring on a war between the United States and Great Britain. It only requires firmness; and in my judgment where the United States took advantage of the position was this, that unfortunately for nearly the whole of the last century every time Great Britain and the United States arbitrated over any matter or interests affecting Canada, such interests were sacrificed. Take the state of Maine, for intance—we lost a very large portion of that state and a winter port. Look again in the North-west, and the North-west angle of the Lake of the Woods. Take again on the Pacific shore; what properly belonged to us and ought to have been a portion of this great Dominion of Canada was sacrificed. Canada ought to have extended, not merely to the 49th parallel, but down to the Columbia River. Three large and important states have been carved out of that territory which we gave up to a species of bluffing practised by the United State on the people of Canada. I might refer also to an island in the Gulf of Georgia, the important island of San Juan, the last portion of territory wrested from the Dominion Government. All these concessions made from time to time were due, in the first instance, in the early days of Canada to the gross stupidity of English statesmen. The policy was continued by men of undoubted ability, such as were on this last arbitration, but whose interest and feeling and sentiments were British and not Canadian. This leads me to make the statement that I sincerely hope and trust that the late arbitration held in Paris will be the last that ever will be held when Canadian and United States interests are under consideration and where English statesmen will have a seat on the board. There is one noticeable incident in the history of this country, and it is the only one, where Canadians were permitted to deal wholly and solely with the interest of their country and that is the only time in the history of this country when Canada did not take a second place but a first place. I refer to the Halifax award, and while I yield to no man, in this room or out of it, in my loyalty to my Queen and to Great Britain, yet above all I am a Canadian, and Canadian interests shall always receive my deepest and warmest support, even at the expense of Great Britain if it comes to that. Holding these views, I sincerely hope that Canada in the future, as she did once in the case to which I have referred—the Halifax award—will have the opportunity of managing her own affairs. When the Halifax award was under consideration, very considerable pressure was brought to bear on that good and honourable man, gone to his rest a year or two ago, Alexander Mackenzie, heavy pressure was brought to

bear on him by the Imperial Government that an Imperial officer should have the guidance of Canadian affairs, but like a true patriot that he was, ever having the interests of this country at heart, he refused stubbornly, and the Imperial Government yielded; and I have no doubt the Canadian Government, if they would pursue the same course now, would attain the same result. This is not a party question; it is most foreign from my thoughts to introduce anything of a party nature in connection with this question. I sincerely hope and trust, from this time forward, whether it be a Liberal Government or a Conservative Government that is in power, that if any friction should arise and arbitration be decided upon between this country and the United States, that Canada will insist upon managing her own affairs, because Canadians are quite capable of taking care of themselves, even against the shrewd and wily American, and I trust that this is the last we shall have of similarly constituted commissions. I forgot to draw the attention of the House to a matter which, however, has been mentioned once or twice by previous speakers, and that is that these regulations, if enforced, will only be binding and obligatory on two nations, namely, Great Britain and the United States. All others, European, Central American and Asiatic nations, flying whatever flag they may, can come in and fish right up to the territorial waters—up to the three-mile limit, and neither Great Britain nor the United States can expel them from these waters. No might will ever be exercised in that relation, so that the decision of this tribunal, while it disposed of the monstrous pretensions put forward by the United States, is not for the benefit of Great Britain and its colonies, but for the benefit of all the world.

We may put whatever construction we please on this arbitration, but as the New York *Herald* has very aptly put it—Great Britain has all the honour and glory, the United States has all the material advantages. Great Britain got the shadow, the United States the substance. It was all the material substance that she was after, and the award and regulations have given it to the United States. I cannot believe for a moment that the late Mr. Blaine, or his successors in office, were for one moment serious when they put forth their monstrous claims to the exclusive right and jurisdiction in the Behring Sea, but I suppose they came to the conclusion that unless they asked a great deal they would get but very little. There is just another observation or two that I desire to make before I sit down, and it is with respect to some remarks that first fell from the talented hon. gentleman who moved this Address. It was in speaking of the prosperity we enjoy as compared with the condition of the neighbouring republic. He and others attributed the depression in the United States to the silver question and their insecure system of banking. There can be no doubt the silver question was a very important factor in bringing about the crisis in the United States, and it goes without saying that our banking system is vastly superior to that of the neighbouring country. I believe it is equal, probably, to any banking system in the world. While I say that, yet I am one of those who believe that it is not perfect but can be still further improved, but there are other and more important causes that led to the terrible financial crisis in the United States, and which we suffer from more or less. I attribute it wholly and solely to the high protective tariff of that country. Up to 1872 the United States collected $13,000,000 from duties on tea alone. The revenue of the United States was increasing so rapidly that an enormous surplus was declared every year. To protect the favoured manufacturers at the expense of the great mass of the taxpayers hundreds of millions were unjustly taken, yes, stolen from the people and deposited in the treasury. The enormous accumulation became so great that the Government had to devise ways and means to dispose of it. As I have already stated, the first step taken in that direction was to take the duty off tea which amounted to $13,000,000 annually. Speaking of tea, I would remind this House of the fact, and I have no doubt the leader of the House is fully aware of it, that in the Antipodes which he visited last year, the Australians are the greatest consumers of tea in the world. They consume per head no less than 8·14 pounds of tea. Great Britian comes second with 4·90 pounds, Canada stands third with 4·65 pounds, and the United States 1·33 pounds. The revenue collected in 1890, according to the Statesman's Year Book, in Great Britain on tea alone amounted to $23,000,000. Canada retained the duty on tea until 1881 or 1882, and collected a revenue of about $900,000. Although the Government pro-

fesses to admire British statesmen and follow British precedents, yet, in this instance, they preferred to copy from Washington rather than from Westminster, and placed tea on the free list, which I venture to say was a mistake. Tea is a luxury and not a necessary of life and ought to be taxed. To remove all duties from actual necessaries, to lighten the burdens of the toiling masses should be the main object and aim of all humane and patriotic governments. Going back to the United States, to show the causes of the financial crisis of that country, their pension list in 1873 only amounted to $29,000,000. In 1883, ten years after, it had increased to the enormous sum of $56,000,000. In 1893 it reached no less a sum than $159,000,000—$130,000,000 of an increase in the annual charge for the pension list,—pensions created by circumstances which had occurred 30 years before that. It went on increasing at an enormous rate, notwithstanding that all those who were entitled to pensions and for whom they were originally intended had passed away. It was, I venture to say, the greatest swindle ever perpetrated by a Government claiming to represent the people. That was done in order to get rid of the enormous surplus that was accumulating under a protective tariff and which rendered such a condition of things possible. Such a condition of things is certain to overtake us unless we abandon the principle of protection.

The Sherman Silver Bill became law in 1890. It provided for the purchase of $50,000,000 worth of silver, which was to be bought at a dollar an ounce, when its commercial value was only from 60 to 70 cents per ounce. The promoters of the bill had a three-fold object in view—first to dispose of $50,000,000 worth of surplus, and secondly to buy the political support of the great silver-producing states, and thirdly, to perpetuate themselves in office. The value of silver, owing to the enormous production in the United States and in Central and South America, increased to such an extent that the commercial value of silver went down, until a few days ago I saw a quotation from the English market where it had got down to 53c. per oz., and I am informed that even in Toronto there is quite a considerable amount of counterfeit silver coin in circulation. That coin is composed of pure silver, very much purer than the silver we have in circulation—the intrinsic value of it is much greater, though of course it has not the authority of law.

Hon. Mr. SMITH—Do you mean United States silver?

Hon. Mr. McINNES (B.C.)—I mean Canadian silver.

Hon. Mr. SMITH—I never heard of any counterfeit silver there.

Hon. Mr. McINNES (B.C.)—It was certainly reported in the British Columbia papers.

Hon. Mr. SMITH—There is nothing at all about it there.

Hon. Mr. McINNES (B.C.)—It is quite reasonable. You can buy silver at say 60c. an ounce; if you can coin it and pass it off as a dollar, it is a very profitable business.

Hon. Mr. SMITH—They are not so green up there.

Hon. Mr. McINNES (B.C.)—Perhaps not. That aroused the people of the United States six years ago to such an extent that the aggregate vote cast in the presidential election was in favour of Cleveland, although he failed to obtain a majority in the electoral college. To show that it was not a spasmodic act of the people of the United States, they emphatically declared in favour of a reduction of the tariff, and Cleveland was elected on that issue four years later. The House of Representatives is largely in favour of a revenue tariff, but unfortunately, as was remarked by the leader of the Opposition, a few members, no doubt largely engaged in manufacturing and belonging to the Democratic party, have very materially altered the Wilson Bill, and it is not the same measure that it was when it went from the Lower House to the Senate. I am very sorry indeed that it has been so changed. The declaration of a majority of the people of the United States six years ago, and the unmistakable majority given in favour of revising the tariff two years ago, unsettled commerce in the United States. Not knowing what changes would be made in the tariff, the manufacturers and commercial men have been very chary indeed of entering extensively either into manufacturing or importing. The trying ordeal through which the United States, is now passing, can without doubt

he directly traced to the evils of a high protective tariff. I say let us take warning from their sad experience ere it is too late.

Hon. Mr. BOWELL—Is the Wilson Bill, as it went to the Senate, higher or lower than the Canadian tariff?

Hon. Mr. McINNES (B.C.)—The Canadian tariff can be called a 35 per cent tariff.

Hon. Mr. BOWELL—Oh, no.

Hon. Mr. McINNES (B.C.)—Taking the average it is about that. The Mackenzie tariff was 17½ per cent. The United States tariff, as it stands at the present time, is 49 per cent, but as the bill came from the House of Representatives it was only a 35 per cent tariff, and although the alterations made in it in the Senate have been very extensive, yet on the whole they have reduced it, I think, to 34 per cent.

Hon. Mr. BOWELL—Does the hon. gentleman, in making this statement, include all the goods imported, or merely the dutiable goods?

Hon. Mr. McINNES (B.C.)—The dutiable goods only, not the free. I must congratulate the government that they are about to revise the tariff, and I sincerely hope that they will reduce it to a much lower point than it is at present—that they will raise the excise duties of this country, and lower the customs duties. A short time ago I had occasion to look into the excise and customs duties of 1879—the last year of the Mackenzie administration, and compare them with the duties of 1890. I found that the customs revenue for the fiscal year 1879, when the Mackenzie policy was still in force—under a 17½ per cent tariff—was $12,000,000. In 1890 they were $23,900,000—almost double. I found that the excise duties in 1879 amounted to $5,400,000. I found that in 1890 they had only increased to $7,700,000, an increase of only $2,300,000 not 50 per cent, whereas the increase in customs was nearly 100 per cent.

Hon. Mr. BOWELL—Do you want free liquor?

Hon. Mr. McINNES (B.C.)—No, I do not. I am not a teetotaller; I am not an extremist on that subject, but I say this: I think the tariff ought to be framed in such a way that it would bear heavily on the luxuries, and not on the actual necessaries of life.

Hon. Mr. BOWELL—Quite right.

Hon Mr. McINNES (B.C.)—That is the reason why the English tariff has been so framed, and I suppose the hon. gentleman is perfectly aware of the fact that the revenue of England is in round figures $450,000,000.

Hon. Mr. DEVER—It is the worst tariff in the world for the poor.

Hon. Mr. McINNES (B.C.)—One half of that enormous sum is derived from excise duties, on spirit in its different forms, from tobacco, duties on tea, raisins and coffee—half the English revenue is derived from those articles—$225,000,000 in round figures.

Hon. Mr. BOWELL—Within the last few years the tariff has been materially raised upon imported spirit, and the excise duties have been increased. If you make the duties any higher you offer an incentive to smugglers.

Hon. Mr. McINNES (B.C.)—It is not keeping pace with the customs. The customs have been increased very much more than the excise. If it had been increased at the same rate, we would have collected $10,000,000 instead of $7,000,000 from excise.

Hon. Mr. BOWELL—The hon. gentleman's deduction is quite right, if the people drank as much, but the relative increase has been quite as much in the excise as in the customs.

Hon. Mr. DEVER—The hon. gentleman said he made a calculation and found that the customs duty was about 35 per cent now.

Hon. Mr. McINNES (B.C.)—About that.

Hon. Mr. DEVER—What is the present excise duty? It is 700 per cent in some cases.

Hon. Mr. ANGERS—I crave your indulgence if I address a few remarks to the House at so late an hour. I shall hurry on as fast as possible to come to the points in dispute, but I cannot help joining with the

members of this House who have been addressing you before me, in tendering my thanks and congratulations to the two hon. gentlemen who moved and seconded the Address. We have heard them with very great pleasure; they have given us the hope that we will hear them often, and I am sure it will be to our great advantage. I join also briefly in the congratulations expressed upon the choice of the distinguished statesman who represents Her Majesty in this country. We could not have had from the other side one who would take a more active interest in Canadian affairs. We may say to a certain extent that we have a Canadian as Governor General, since a Canadian landlord is at the head of the Government. I will now come to a point upon which the hon. members on the other side of the House exhibit differences of opinion among themselves. The leader of the Opposition has, in a very graceful manner, spoken of the Behring Sea arbitration. He has had words of praise for the distinguished members who represented us there, and he has accepted with a good grace the judgment of the court. It cannot be expected that we could dictate that judgment. We appeared there before a tribunal composed of distinguished men from different countries. England had representatives. There were what might be called neutral representatives furnished by Norway, Italy and France, and we had our representatives there. Perhaps I do not qualify properly the right hon. leader of the Government when I call him our representative in the court, for he was not really a representative. He was there exercising judicial functions. Upon the decision of the legal questions that were brought before the court, I say that we have reason to congratulate ourselves. We carried the majority of the opinions of the learned judges that composed the court. The hon. senior member from Halifax thought that the questions submitted to the tribunal were of little importance. He read the five questions that were referred for decision to the arbitrators, and in his judgment they were so trifling, so plain, that any man of common sense could have come to a speedy decision upon them. This reminds us how easy it is today to discover America, after Columbus discovered it first. It must not be forgotten that those law points, which were so simple and plain that any man of common sense could have pronounced upon them, were argued during three months by the counsel for the United States and the counsel that represented the Canadian interests before the court, and then it took several weeks for the arbitrators to come to a decision. But of course we had not the advantage of that speedy justice that the hon. member from Halifax could have given us on such an important question. The questions were more serious than one would believe at first. Of course some of the contentions of the United States, as put at first, could not be supported. Their first contention was that Behring Sea was a closed sea —that it was all their own, like Lake Michigan—that we had no business to sail there at all, that we could not go in there without their permission. This first contention was decided against the United States. Notwithstanding that, for weeks and weeks they argued to maintain the privileges that a closed sea would have given them. For weeks and weeks they argued that they were the only nation that could have a right to capture seals within Behring Sea. For days, again, they argued that the ukase of the Emperor of Russia in the first quarter of the century, forbidding anybody to hunt in Behring Sea, had acquired by time and practice the force of law, and that the United States in purchasing the rights of Russia had also acquired the exclusive right to hunt and fish in Behring Sea, and that England was bound to accept this law. That was their contention. Upon that point also they were defeated, because it was shown that England had never submitted to the injunctions of the Emperor of Russia, and that a protest had been made in due time by England, although at that time we made very little use of Behring Sea. The hon. gentleman from Halifax also stated that he did not quite understand the wording of the paragraph in the speech referring to differences between England and the United States in relation to the Pacific Ocean. He seems to ignore that the contention of the United States did not apply only to Behring Sea in relation to seal hunting, but that they claimed the seals were their own property (having their principal resort on the Pribylov Islands) and that they had a right to follow them in the wide ocean beyond Behring Sea to the exclusion of all. As to that position again, we had the best of it. It was acknowledged and pronounced by the tribunal that the seals, when they had

left the Pribylov Islands, were the property of whoever could catch them. As to the regulations, they were framed by the majority of the tribunal. They were not agreeable, I may say, to any of the claimants before the arbitrators. They are not agreeable to the United States. They are not agreeable to us either, and the right hon. gentleman who happened to be one of the judges representing the interests of Canada declined to sign them. The criticisms that were made of the regulations are fairly illustrated by a cartoon which appeared immediately after they were enacted. There were three parts in it. Brother Jonathan, reading the award and saying "it should be better." John Bull on the other side reading also the award and saying "it might have been worse," and the third part was represented by a seal emerging between the two of them saying "they might have made the close season twelve months." Exception has been taken to the fact that the regulations are binding only on the citizens of the United States and England. It cannot be otherwise. We were the only two parties before the court, and the adjudication of the court only applied to the parties who appeared before them. Of course, it is not binding on Russia, or Japan; they were not in the case. But in the common interest of the industry, a day may come when Russia and Japan will find it to be in their interest to have regulations and act jointly with England and the United States. They may not be the present regulations, which experience may show to be wrong, or not the best that could have been made, and which, in the course of time, may be modified and improved. The hon. gentleman from New Westminster, who addressed this House, read several editorials from the Victoria *Colonist* criticising the award and the regulations. He might have read just as bitter attacks from the press of the United States, because at the first delivery of the judgment, they were not more satisfied than we were, but time and reflection have brought people to more moderate views. We have been told that the industry of sealing has been completely destroyed by the decision of the arbitrators and especially by the regulations. Now, we must understand that our rights as to sealing were limited. We had no claim on the Pribylov Islands. They were not our property. Therefore, we could not go and slaughter seals on the land. We have lost nothing there. I said that our rights as to sealing were limited: they were limited to the pelagic sealing and that right has been preserved to us, subject to restrictions that apply not only to our people but also to the citizens of the United States. They have the advantage over us it is true, of being the owners of the Pribylov Islands. But we cannot help that. How can we reasonably pretend that we shall dictate what they shall do on their own land? No more than I could make laws against the hon. member for New Westminster to regulate the killing of chickens in his own yard. He is the sole master there—it is his property. In the same way we could not regulate the killing of seals on the Pribylov Islands—it was not Canadian or British property. But I read in the documents, that the Americans are just as keen as we are about the protection of the seals.

Hon. Mr. McINNES (B.C.)—What the sealers of British Columbia complain of is this: that they cannot go out, as they could in the past, two or three or four thousand miles in the Pacific and meet the seals on their way to the Pribylov Islands and kill them on the high seas. We never pretended to any right to go to the Pribylov islands, but we complain that we have been deprived of the right to kill those seals on the high seas.

Hon. Mr. ANGERS—We have not been deprived of the privilege of killing seals on the high seas except where the regulations make a close season.

Hon. Mr. McINNES (B. C.)—That is the season.

Hon. Mr. ANGERS—Then the arbitrators may have made a mistake in the regulations.

Hon. Mr. BOULTON—We cannot kill prairie chickens in the close season.

Hon. Mr. ANGERS—They may not have fixed a proper season, but we could not help that. We had better information and we argued before the court that they were not choosing the proper months for a close season. Again, upon this point the Americans are interested also, and when they will have found out that the close season is not at the proper time, undoubtedly they will

some day come to a new agreement and alter, very likely, the time of the close season and choose a better one, but as to our right to pelagic sealing on the high seas, we have it just in the same way that the Americans themselves have it. It has been said that the limit around the island should have been only three miles. If it had been so, there was no need whatsoever of an arbitration. The common international law laid it down to be the rule, but this was an exceptional case. The habits of the seal, the way they gather on the Pribylov Islands, the necessity they have to go out for food made it an absolute necessity that they should have a sufficient circuit around the islands to feed in, where nobody could attack them. I stated that we could not dictate to the United States the way they should slaughter the seals on the islands any more than we could make laws to regulate the killing of chickens in our neighbours' yard, but their interest is equal to ours in the preserving of seal life. It is even greater than ours—they have more advantage than we have from the fact that they are the owners of the islands and, so far, all the leases that have been made by the Government of the United States have limited the number of seals to be slaughtered each year. So far they have observed a certain rule in relation to the class of seals to be slaughtered. They do not slaughter the cows, the bulls, nor the pups. They only go for the bachelors, from the age of two to six years. They all gather together on the same ground, and it is from there they drive them to be slaughtered.

Hon. Mr. MACDONALD (B.C.)—What about the old maids?

Hon. Mr. ANGERS—Since the laws of the seals admit the harem, there are no old maids among the tribe. I shall refer now to a few other points which have been brought before this House. I have heard the leader of the Opposition say that Prince Edward Island had made little progress since it joined the confederation—that her trade had diminished considerably, had in fact been crippled—that her population had not increased and that her sons had left for the United States and elsewhere. My hon. friend the Senator from Lunenburg has given a very satisfactory explanation why in appearance the trade of Prince Edward Island has decreased, and shown that as a matter of fact it has increased. He pointed out that previous to confederation they were doing a foreign trade—a trade that their own blue-book or ours would show, but since then the nature of the trade has necessarily changed. Not being obliged at present to pay long and heavy freights to export abroad, they have a ready market in Canada for everything they produce; and instead of their market being in England, the West Indies, or the United States, it is in New Brunswick, Nova Scotia and Quebec, where they find ready purchasers for all they have to sell. But this interprovincial trade does not appear in the blue-books. Their trade to a certain extent may be said to have been crippled, not by the fact of their being a portion of Canada, but by the alteration of the tariff in the United States; a thing over which we have not the slightest control. They were shut out from the Boston market by the McKinley tariff, but they were not slow in finding a better and more profitable market—that is when they went into the dairying industry—and it will not be long before they take a leading place in the production of butter and cheese. They have all the necessary elements there for such an industry. They have beautiful fields, fertile soil, a favourable climate for grass and for the growing of everything that is necessary to feed large herds of cattle.

Hon. Mr. MACDONALD (B. C.)—They are now supplying part of British Columbia with beef and mutton—all that distance—4,000 miles.

Hon. Mr. ANGERS—I am glad to hear it. As to the increase of their population, it must be remembered that there is not an acre of wild land in Prince Edward Island—not another acre of land available for settlement—every inch of it is taken up. Would it be wise for the farmers, who own on an average 100 acres, to divide their farms into small strips to keep their sons at home? I think it would be a bad policy to do so and that it is better to induce their sons, as they are doing, to go and settle in the North-west and British Columbia rather than cut up their farms.

Hon. Mr. BOULTON—There are very few of them in the North-west. They mostly go to Boston.

Hon. Mr. ANGERS—They have gone to Boston, but the hon. gentleman knows that there has been an active agent within the last twelve months to bring every Canadian that went to the United States back to his own country, and that agent is the depression that has fallen upon the republic. Some reference has been made to that part of the Speech from the Throne stating that we should be thankful for the present condition of Canada as compared to the disastrous condition in which other countries are placed, and the opinion has been expressed that our increase of trade during the year was not large enough. Hon. gentlemen will please bear in mind that that paragraph in the Speech from the Throne has in view the relative positions of the United States and Canada. In this country the exports have increased by $4,600,000 and the imports by $1,668,000. The imports for consumption show an increase of $4,726,000 and the aggregate trade of Canada an increase of $6,269,000 over 1892. What is the position of the United States? Whereas in 1892 their exports were $1,030,000,000, in 1893 their exports were $847,000,000, an enormous decrease in one year of $182,600,000. True, in their imports they have an increase over the previous year of $38,998,000; but on the aggregate trade of the United States there remains a decrease of $143,614,000. It may be interesting to the House to know in what special items the decrease took place. You will be astonished when you hear that in the exports of their agricultural products last year, there was a decrease of $183,945,000. Had the silver question, which was pointed out to be the cause of the present crisis in the United States, anything to do with that? Had the silver question anything to do with making their lands lose their productiveness? Had the silver question anything to do in reducing the production of the farm, for that decrease is notably in cattle, hogs, prepared meats, ham, bacon, and also in grain? Now what could the silver question have had to do with that?

Hon. Mr. MACDONALD (B.C.)—Or the tariff?

Hon. Mr. DEVER—Why not acknowledge at once that excessive protection has knocked the bottom out of the United States?

Hon. Mr. ANGERS—The tariff had nothing whatever to do with it. When they wished to send the produce of the farm abroad, there was nothing to prevent them from doing so and still they had the decrease that I have mentioned. In mining they also had a decrease of $692,000; in productions of the forest they had an increase, a small one, hardly noticeable, $169,000; the same in reference to fisheries, $137,000; miscellaneous an increase of $97,000. But what will surprise every one in this House, I believe, is that they had a decrease in manufactures last year to the extent of $487,000. It has been claimed that protection knocked the bottom out of their trade. How could protection reduce their manufacturing and exporting power? There is a lesson for us in this, if we compare the condition of Canada on the very same articles. The domestic exports of Canada in agriculture, in which the United States have had an enormous decrease, show an increase of $3,077,000. In the productions of the forest they had a small increase of $169,000, we had the enormous increase of $4,078,000. In manufactures where they had a decrease of $487,000, we had an increase of $652,000. Wherever the United States have been deficient in their exports last year we have an increase, so that we may reasonably come to the conclusion that our efforts in trade are so active and so great that we are shoving them out of the foreign markets. In butter and cheese they are going down all the time in quality and quantity while we are rising in proportion. Last year we exported to the value of $13,407,000 worth of cheese; the United States only $7,624,000. We now supply to England 50 per cent of the cheese she imports. I might draw the attention of this honourable House to the fact that perhaps we have reached the maximum of our exports in cheese, and that in the future the exertions of our farmers should be directed towards the production and exportation of butter. The quantity of butter we export to Great Britain is insignificant compared with what we should export. Great care, however, should be taken to maintain the high standard of our cheese. I have often heard, and I have more frequently read in the Liberal press that our natural market is the United States. In my opinion nature has not willed it so, from the fact that the portions of the United States that are most productive and that are adjacent to Canada produce exactly what we produce ourselves. We are their competitors in the sale of cattle, sheep, hogs and breadstuffs. Our

market is abroad, in countries which do not grow in sufficient quantities the staples we export, not in a country which produces exactly and in abundance what we raise ourselves. This is demonstrated by the following figures: We exported last year to the British empire, that is to Great Britain and English colonies, $44,288,000 worth of our farm products, while to all other countries, including the United States and the continent of Europe, the exports of the same products amounted only to $9,502,000.

Hon. Mr. BOULTON—A free trade market.

Hon. Mr. ANGERS—It matters not how that market is called, as long as we can reap from it good sound sovereigns. It is often said that we have not, in Canada, that energy and enterprise that we see in our neighbours in the United States. That they are better traders than we are, better manufacturers, and that everything would be turned into silver and gold and into milk and honey, if we had commercial union, unrestricted reciprocity, and I do not know what else—annexation under the veil of those denominations—but we are far from it and never more so than to-day.

The sentiment of the people of the Dominion of Canada, and I have had the opportunity of witnessing it from Victoria to Prince Edward Island, is completely opposed to it. I have not met a good citizen who was in favour of any change in the present relations existing between England and Canada.

Hon. Mr. SCOTT—What about the recent Governor of the North-west Territories?

Hon. Mr. ANGERS—The ex-Governor of the North-west Territories has written a pamphlet, which is in opposition to the feelings of the people of the province of Quebec, from which he has been absent for five years. Let me point out to the House that when the Governor General of Canada travels out of Ottawa, there is not a city in the whole Dominion more enthusiastic, and that shows more courtesy to the representative of the Queen than the old citadel of Quebec, and that is the point from which spreads over the province the true feeling of loyalty. That is the spot where every morning is hoisted at sunrise the British ensign, which only goes down at sunset, according to regulation. If the people were allowed to use their own discretion it would never go down at all. I am sorry the hon. gentleman has referred to this matter.

Hon. Mr. SCOTT—You challenged me to name one man. I name one, I can name more.

Hon. Mr. ANGERS—If you do you will have to go into your own ranks.

Hon. Mr. SCOTT—I do not know one man in my own ranks.

Hon. Mr. ANGERS—Of course we know there are men who go into the United States and preach annexation, but the people of the province have passed judgment upon these men and their leaders. Now, I have been called away from my argument. The House must forgive me. I was saying that we are as good manufacturers and as good traders, as good agriculturists, as good producers in Canada, as the people of the United States. The population of the United States in June last was 66,737,000. In Canada it was 4,961,000. The total export trade of the United States was $866,400,000. The total export trade of Canada was $118,564,000. Consequently, the exports of the United States amounted to $13 per head, while those of Canada amounted to $24 per head. I think that shows very clearly that we have nothing to envy in the United States, either in their producing capacity or in their energy or enterprise, when we, to-day, export 85 per cent per capita more than the Americans do. I must apologize to the House for detaining hon. gentlemen so long, but I will close with one remark in reference to the fast line. I was sorry to hear that the interest the Government had taken in the matter had not been fully appreciated, especially by the hon. member from Halifax (Mr. Power). He has said that the enterprise would never succeed, that it could never pay, and that the dangers of navigation in coming to the Canadian ports, either in winter to Halifax, or in summer to Quebec, were so great that nobody would invest his money in such an enterprise, and that if he did it would be a failure and a loss. Now, this notion with regard to the navigation of the St. Lawrence being dangerous and difficult, is an erroneous one. It is picked up from a book called

the "St. Lawrence Pilot," which gives the sailing regulations of the St. Lawrence and the coast of Nova Scotia, written by Admiral Bayfield, and you must bear in mind when this book was written. The surveys of the St. Lawrence were made from 1828 to 1860, and Admiral Bayfield wrote his book about 1834. He advises masters of ships not to run their vessels any faster up the St. Lawrence than 5 knots an hour. Why? They were sailing ships. They could not prudently go near land. The St. Lawrence was not then provided with light-houses. There were no light-houses in the river proper at all. They were sailing vessels and five miles an hour was half of the speed of any sailing vessel at that time. But now the conditions have changed altogether on the St. Lawrence. When you lose a light over the stern, you have a light in view over the bow, and you can go from light to light. I might say that a careful master might take his ship safely up to Quebec without a pilot; it does often occur. It was also said that 20 knots an hour was a speed which entailed very great danger coming up the gulf. The danger is not greater when the vessel is going 20 knots an hour than when it is going 14 or 15 knots. There are here men of experience in sailing matters, and they will corroborate my statement. You can manage a steamship as safely when steaming 20 knots, than when she is steaming ten knots. The danger of the St. Lawrence is much exaggerated and a thing of the past. The Government, through the Hon. Peter Mitchell and the Minister of Marine who succeeded him, and under the administration of Sir Charles Hibbert Tupper, have improved the navigation of the coast and River St. Lawrence by means of lights, foghorns, etc., so that it is as safe to come into our ports as it is to go in to New York. You have to wait for the tide in New York, for large vessels. You have none of these dangers in the St. Lawrence. There is not a spot between the ocean and the port of Quebec where a vessel drawing 27 or 28 feet of water, need stop to wait for the tide. I recollect the time when New York had only side-wheel vessels, while on the St. Lawrence we had vessels with screw propellers, and then we carried the American mails and many American passengers. At present, owing to the fact that they have fast steamers, during seven or eight months in the year they carry from New York every Canadian traveller



these fast vessels if we wish to benefit by the mission of my hon. colleague to Australia. It is necessary also for the traffic that we are doing with China, and for the communications that England wishes to have with India. It is claimed that the Canadian Pacific Railway is in favour of that project, but that we should take no interest in it. I think to the contrary. I think the country is bound to do its utmost to see that such a great enterprise as the Canadian Pacific Railway is completed by oceanic fast lines. It is the duty of every government, anxious for the welfare of the country, to do their utmost to foster this project, and I hope the reflections that have been made in this House upon the enterprise, will not have any influence in preventing its success. It has been objected that vessels of that class, to be fast, cannot carry freight in sufficient quantities. That class of vessels is not intended for burdensome freight, but for staples which are most valuable—the condensed products of the farm. The vessels shall be provided with refrigerated storage for the shipment of cheese, butter, fruit and meat, and all perishable goods. That is a class of merchandise that can afford to pay a reasonable freight to be carried speedily across the ocean. Therefore, I hope the enterprise will be a successful one, and will crown the endeavours that have been made for the last twenty years to develop Canada and to bring her into close connection with England, to make her a necessity to the mother country, and to bring her in communication with the other important colonies that lie in the Pacific Ocean. I thank you, gentlemen, for your kind hearing, and I again beg the pardon of the House for having addressed it at such length at this late hour.

Hon. Mr. BOULTON moved the adjournment of the debate.

The motion was agreed to.

## THE RULES OF THE HOUSE.

Hon. Mr. BOWELL gave notice that he would, to-morrow, move that when the House adjourns it do stand adjourned until Tuesday, the 27th inst., at three o'clock p.m. He said: I also desire to call the attention of the House to what I think is a little irregularity in the notice given in reference to the rules of the

who goes to Europe or that comes back. Why should that be? It is as safe, and over 500 miles shorter, from Quebec than from New York, to reach Liverpool or London. It is safe to assume that when we have this fast line every Canadian traveller, and a large number of Americans, will take advantage of it. We shall have the Pacific traffic also to come over this line. It is really a necessity that we should have House. After consideration, I ask the House to discharge the notice I have given and instead thereof I give notice that I will, to-morrow, move

That the Draft Rules and Standing Orders submitted by the Special Committee appointed, last session, to consider and revise, or add to, the Rules, Orders and Forms of Proceeding of the Senate, be referred, for further consideration to a Special Committee to consist of the Hon. Messieurs Allan, Bellerose, Dickey, Lougheed, Macdonald (P.E.I.), Macdonald (Victoria), Miller, Pelletier, Power, Scott, and the mover, with power to report from time to time.

This is the same committee as last year, with the exception of Mr. Howlan. I substitute Mr. Macdonald of P. E. I. for him. My reason for taking this course is simply this: there is a rule that anything which is before the House to be considered, all business, drops at the end of each session, and the suggestions of the committee, which were presented last year, although the journals say that they were adopted, were not, as another resolution follows it, referring the subject to either a committee of the House, or the consideration of the House,—I am not sure which. But by this mode it will keep the records of the Senate correct. I ask the consent of the House to the course I propose to adopt as the most regular, and one which will not produce any delay. The committee can meet, if they like, *pro forma* and make their report an hour afterwards, unless they desire to reconsider, which I presume they do not. Then the House can take up the matter.

The Senate adjourned at 11 o'clock p.m.

---

## THE SENATE.

*Ottawa, Wednesday, March 21st, 1894.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## THE RULES OF THE HOUSE.

MOTION.

Hon. Mr. BOWELL—I would ask leave to substitute for the motion, which I gave yesterday, the following. I think the one which I gave yesterday was equally irregular with the one of which I gave notice two or three days ago. In order to rectify it, I will commence *de novo* and move for the appointment of a committee to whom shall be referred the rules of the House, and the committee can report to the House whenever they find it convenient to do so. With the consent of the House, I move that the following motion be adopted presently:—

That a Special Committee be appointed to consider and revise, or add to the Rules, Orders and Forms of Proceeding of the Senate, and that such Committee do consist of the Hon. Messieurs Allan, Dickey, Miller, Power, Pelletier, Bellerose, Scott, Macdonald (Victoria), Macdonald (P.E.I.), Lougheed, and the mover, with power to report from time to time.

The motion was agreed to.

## PETITIONS FOR PRIVATE BILLS.

MOTION.

Hon. Mr. BOWELL—I have another motion to which I ask the unanimous consent of the House. It is with reference to the reception of the petitions for private Bills. The time would expire before the meeting of the House next week and in order that those who have petitions to present, may have the full time allotted them to present the petitions, I will, with the consent of the House, move the adoption of the following motion:—

That the time limited for receiving petitions for Private Bills which expires on Saturday, the twenty-fourth instant, be extended to Thursday, the fifth day of April next; and that the time limited for presenting Private Bills which expires on Thursday, the twenty-ninth instant, be extended to Thursday, the twelfth day of April next.

The motion was agreed to.

## THE ADJOURNMENT.

MOTION.

Hon. Mr. BOWELL moved that when the House adjourns to-day, it do stand adjourned until Wednesday next at 8 p.m.

The motion was agreed to.

## THE ADDRESS.

MOTION ADOPTED.

The Order of the Day being called,

Resuming the adjourned Debate on the consideration of His Excellency the Governor General's Speech, on the opening of the Fourth Session of the Seventh Parliament.

Hon. Mr. BOULTON said: I must premise my remarks by uniting with the hon. leader of the House and the mover and seconder in the regrets they expressed at the loss that this House had sustained since we last met in the death of Sir John Abbott, the Hon. Mr. Boyd, the Hon. Mr. Montgomery, and I regret to say only the night before last, the death of the Hon. Mr. Botsford. We can all sympathize with the families of these gentlemen who have departed and the bereavements they have sustained. It is a matter of congratulation for us to know the fact that the late Mr. Botsford who only the night before last departed, as the hon. member from Cumberland has told us, attained his 91st year as a Canadian. He was born in New Brunswick, and was Speaker of the Legislative Assembly and was for 60 years a representative of the public life of Canada, and never missed a session. His father, his grandfather and he himself had been Speaker of the Legislative Assembly of his province, New Brunswick. I think it is worthy of note to draw attention to this fact at a time when there are people looking with lukewarmness upon the value of the Canadian Senate, and when we realize what hon. gentlemen like Mr. Botsford, Mr. Montgomery, Sir John Abbott and others who are and have been active members of our honourable House: I say the country would be losers to be deprived of the benefit of the experience, independence, uprightness, patriotism and loyalty of such men, who in their legislative capacity are of material assistance in perfecting the laws. I have much pleasure in congratulating the Government upon the appointment of our hon. friend of Prince Edward Island, the mover of the Address, and also in complimenting him upon the manner in which he presented the views of the Government to this honourable House, and I also compliment the seconder of the Address. He has shown himself in the past to be a man of few words, but the manner in which he expressed himself showed he thinks a great deal. We regret the loss of our late Governor General, Lord Stanley, and Lady Stanley who have gone and have been replaced by another Governor General. Lord Stanley's administration during the past five years will always be noted as the period in which the Behring Sea arbitration was initiated and brought to a successful conclusion with our American cousins. For that I think Lord Stanley is to be congratulated. I only trust that the term of office of Lord and Lady Aberdeen may be signalized by some event such as the passage of free trade in Canada. There are five years to discuss the question in and he has those five years ahead of him, but before he leaves I hope he will see that solid bond of sympathy that now exists still further cemented between Canada and Great Britain on the intelligent basis of free trade. Speaking of the Behring Sea arbitration in connection with Lord Stanley's name I cannot agree, I am sorry to say, with those gentlemen who have criticised it adversely. I think that the Behring Sea arbitration has been brought to a successful conclusion and upon a reasonable basis for the country. The hon. member from New Westminster last night read a great many columns of newspaper articles from United States and Canadian newspapers, in order to show that both amongst United States and Canadian seal fishermen the arbitration was unpopular and considered unjust. The principle of arbitration was concluded for the purpose of protecting seal life and preserving to the world at large the trade and commerce that spring from the protection of a valuable fur animal such as the seal is, and what is nobody's property is sure to go to destruction. We had a noticeable instance of that in the North-west. The buffalo, a most valuable article of food and commerce, has been entirely destroyed simply owing to the jealousy and greed of the people living to the south of the boundary line, and of those living north of the boundary line thirty years ago. The buffalo, which at that time, numbered

hundreds of thousands and even millions in the North-west Territory thirty and forty years ago, is to-day extinct. They were corralled and driven into gulleys and slaughtered wholesale for their hides which were then only worth a dollar apiece—hides which to-day would bring $10 and $20 apiece, while the carcasses would be available for food. That is a sample of what might take place with the seal fisheries if due obligations were not entered into to protect the value of the commerce that can be brought into existence through the preservation of those animals. It is natural of course that those people who live close to the seal fisheries should feel they have inherent rights and that they are deprived of those rights to a certain extent, but it is a protection which is in the interests of the people of British Columbia. If you adopt free trade you will largely divert the benefits of the seal fisheries no matter whether the furs ultimately find a market in the United States or London, or wherever it may be, to Vancouver and Victoria, because they are naturally situated for the furnishing of the fleets engaged in those seal fisheries. We have seen in the south seas the annihilation of the fur seal which used to be a valuable article of commerce—in the Falkland Islands, off the coast of South America, and the islands lying near New Zealand were the home of the seal. It used to be a profitable occupation to hunt them there, but they are decimated owing to their habits, which render them an easy prey to the destructive genius of man, and are destroyed for want of proper protection, and the same result would overtake the seal fisheries in Behring Sea, if this international arbitration had not been entered into. We have also to congratulate ourselves upon having united with the Government of Great Britain in bringing before the world the principle of arbitration as the settlement of a question that would, as hon. gentlemen stated yesterday, have been productive of war fifty or seventy years ago. It is to the honour of Canada and the honour of the United States that that principle has been so successfully brought out in the present arbitration between the two most interested parties. And while it was an Imperial question, the conduct of it was assigned to Canadian statesmen under the Imperial prestige.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BOULTON—We have to trust to the honour of the Government of the United States in carrying out the principles of the arbitration owing to the power they exercise over the seal life, through their territorial rights which have been respected: that I think may be relied on. To that end all the arbitrators recommended co-operation in the regulations of the shore life of the seal, and if the Imperial Government would continue negotiations to that end it would be to the advantage of all. For these reasons it is worthy of more than a mere passing notice in the discussion of an address in reply to a Speech from the Throne. I might add further, in order to strengthen the case and in order to show that it is in accord with public opinion, that in our great North-west Territories we have some very valuable animals, notably the prairie chicken. We take the most stringent means to protect them. There is the great open prairie and the prairie chickens are flying wild and are anybody's property, but the people support the Government and aid one another in their protection because they are valuable to the population, and the people desire that they shall not be totally destroyed simply because it is nobody's business to look after them. I would like to congratulate the Government also on the success that has attended the many exploring expeditions—notably during the past year, the expedition of Mr. Tyrrell to our northern territory and that of Mr. Low to the coast of Labrador, both of whom reached points on Hudson Bay. These explorations are of inestimable benefit in bringing to light such articles of commerce and waterways as may exist in our country but which lie hidden from view. It is through the intrepidity and enterprise of such men as Mr. Tyrrell and Mr. Low, Dr. Dawson, Mr. Ogilvie and others that we are able to ascertain what resources we possess in distant parts of our territory which is so extensive. It is a matter of satisfaction that we have men in our service to send forth, men who are capable of going through the hardships which exist in penetrating such distant regions through such great difficulties as meet them on their way in northern latitudes. The World's Fair is also a matter of congratulation to the country and to the Government in the success that Canada has met with. I am sorry that the Hon. Minister of Agriculture is not in his place. I did

intend to express my regrets that, instead of confining our building to offices, he did not put up a building large enough to contain products of Canada to be shown as a whole from the Atlantic to the Pacific, in the face of the enormous assemblage of people that went there this summer. It was an opportunity for advertising the country that I think was lost, and would have had a great effect as a supplement to the individual exhibits in the World's Fair buildings. In the province of Manitoba the Provincial Government felt that they had such a very valuable collection of agricultural and other products to exhibit to the world at the fair that the space allotted to them, as a small population, was not sufficient for them, and therefore they put up a building themselves in order to show them. Being a province of Canada they were not admitted inside of the fair grounds and therefore they were obliged to build it outside at a considerable expense and at a great loss probably of advertising in consequence of it. Its wisdom led to a great deal of controversy. I only mention this fact because it was open to Canada to put up any building they chose in the fair grounds—while it was forbidden to a province of Canada. Notwithstanding that, the hon. Minister of Agriculture has cause for great satisfaction to feel that in matters pertaining to agriculture Canadians have carried everything before them; for that reason our most successful industry should be the especial care of the Government. With the World's Fair is intimately associated the trade policy of the country. The hon. mover of the Address in reply to the Speech dwells very largely with the trade question. As hon. gentlemen know, I have already upon three or four occasions taken the opportunity of presenting the trade policy of the country in a different light than it has hitherto been placed before hon. gentlemen in this House, and that is from an entirely free trade aspect in opposition to the protective aspect that it has been viewed from for the past fifteen years. I know hon. gentlemen will forgive me for taking up the time in the House in renewing this subject, but one of the great mediums of success in the propagation of any new ideas is to simplify and repeat, and that is what I propose to do so long as I do not exhaust the patience of hon. gentlemen in order to bring to a successful conclusion the question of the advantages as divided between protection and free trade. The hon. leader of this House has given to us a list of the products of Canada which are exported. The wealth of a country is of course gauged by the power it possesses to export a surplus after the people have supplied themselves with all the requirements of life. A farmer's wealth is gauged entirely by the amount he is able to export from his farm after he has supplied his family with what he has produced on it, and so it is with a country. The wealth of a country must be gauged entirely by the exports. The Trade and Navigation Returns show us that we have sent of

| | |
|---|---|
| The products of the mine... | $ 6,000,000 |
| do of the fisheries. | 9,000,000 |
| do of the forests.. | 23,000,000 |
| Of animals and their products | 30,000,000 |
| Of agricultural products.... | 30,000,000 |
| Of manufactures..... ... .. | 7,000,000 |

I have put the figures in round numbers so as not to be tedious, but I wish to point out this, that out of one hundred and eight millions of dollars $7,000,000 are manufactures and $101,000,000, the products of the mines, the forests, agriculture and animals and products and the products of the fisheries—$101,000,000 from these natural resources that we possess are from our soil, our timber and our fisheries. I wish to put it to hon. gentlemen in this House: Can you point out in what way free trade will injure the prospects of the production of any one of these products which amount to $101,000,000, and what is the object of protection? It is to protect the manufacturer and encourage the export of $7,000,000. There is the difference between the two. Free trade will enable the people who are producing from the forest, or the soil, or the fisheries, or the mines to produce cheaper and compete for the sale of those products in the markets of the world better and at more profit, while protection charges them an exorbitant rate in order to encourage or develop and sustain an export of $7,000,000 worth of manufactures. That is the way we have to put it to ourselves, the way we have to realize it, that every one of the 5,000,000 of the people in the country who are residing here and who are producing the $101,000,000 worth of exports that go forth to the markets of the world are all taxed, and what for? In order to encourage the export of $7,000,000 worth of manufactures

from the country, which shows only an increase of $1,000,000 during the past year, and only a growth of some two or three million of dollars since protection was instituted, and I verily believe in many of our main manufactures a less number of men are employed in manufacturing in 1891 than in 1881, which can be easily ascertained by the census returns. We see an agitation springing up from one end of Canada to the other for tariff reform. The Government recognize such an agitation, because four members of the Government of Canada have been moving about to ascertain in what way they can reduce the cost and reduce the tariff in order to meet the agitation that they have to face, and the question of course when a change is going to take place is what form shall that change take. Should it go back to the revenue tariff of 1878 or should it be maintained with its protective feature, or should it take the form of commercial life an example of which Great Britain has set us for the past fifty years in which such remarkable results have followed their policy of free trade? I have come to the conclusion, from a study of the question so far as my humble capacity has enabled me to do so, that free trade is adapted to Canada, and will redound quite as largely to the profits and advantages of the people of this country as it did to the people of Great Britain when they adopted it in 1846. The hon. leader of the Government and the mover of the Address have drawn attention to the very satisfactory fact that our trade with Great Britain has increased in late years while it has fallen off with the people of the United States. Well, I say that that is in consequence of free trade. The purchasing power of the people of Great Britain has not fallen away. The purchasing power of the people of the United States under protection has fallen. When you want to get good prices for your products send them to England. If you are satisfied with poor prices you can find them in the United States. Great Britain has not decreased in wealth at all although it may have fallen off in trade. If you send good beef, good mutton, good eggs, cheese or anything else to Great Britain you will find the highest possible price that is to be obtained for them in any portion of the world, but you must only send the best. To what is that owing? That is owing to the purchasing power given to the people of Great Britain who live from one year to another under the free trade policy they have instituted. I say that the falling off of the trade in Great Britain is largely due to the falling off in the importations of raw cotton from the United States, and in consequence of that there is naturally a falling off in the exportation of manufactured cotton. The falling off in the export of cotton is nearly half the falling off of the foreign trade of the United States. It is in articles of that kind that the trade of Great Britain has fallen off, and why has it fallen off? It is simply in consequence of the McKinleyism that attempted to rob the markets of Great Britain for British labour in South American and other markets where they exported their manufactures. The United States wanted, by means of reciprocity treaties, to trade their manufactures off at an increased price in exchange for sugar, coffee and hides produced in those countries and to take away that market from England by reciprocity treaties of discrimination. Fortunately for the people of Great Britain, under free trade their market is so valuable to them that the people of Brazil and other countries would not trade on that basis or under reciprocity treaties which would discriminate against Great Britain. All the same it produced an injurious effect on the trade of Great Britain, and what has been the effect of McKinleyism on the United States? It has reduced the purchasing power of the people of Great Britain for the purchase of the commodities supplied by the United States, and which has during the past year reduced their export by $150,000,000, reduced it to such an unprofitable basis that it is reacting on every agricultural industry in this country such as the prices for our wheat and other large items of our industry. It is not a question that free trade is hampering England or that the bottom has fallen out of free trade in England, which some like to assert—it is that the bottom is falling out of the protected countries that are customers of Great Britain. In the condition of those countries may be found the cause of the falling off of British trade in its exporting and importing power, and not in the principles of free trade. With regard to our exports to Great Britain and the congratulations that have been offered us in consequence of the higher prices we receive there, I observe that our exports to the United Kingdom for cattle are $74

head. I am inclined to think that the exports are swelled somewhat in those prices—that that is not the prices at the point of departure but at the port of arrival in Great Britain —that the export value given to our cattle is the value at Liverpool and not at Montreal. It is open to criticism whether that is a fair exhibit of the value of the exports as conveyed to us in the Trade and Navigation Returns. It is the same way with sheep—the value is $9 a head, the value of eggs 13 cents a dozen, and of cheese 11½ cents per pound. Now are those the prices that our farmers or merchants receive who sent them from Montreal, or are they the prices received in the port of Liverpool? If our export returns are based on that basis then it should be shown that it is so, so that the people of Canada can understand how far the Government of Canada, in giving those returns of the industries of Canada, are incorrect and if so to what extent. I do not say that it is an unfair showing, only I would like to know if the difference between Montreal and Liverpool is included in that return. I know as far as our imports are concerned the Government fix arbitrary values on imports. That may be sound under protection in order to protect the country against false invoices, but I have been told that the Government very frequently raise far above the invoice price of an article at the port in order that the duty may be raised upon the article as it presents itself to the mind of the Customs authorities and as it presents itself to the mind of the manufacturer in whose interest the protective tariff has been designed. If the imports are raised on one hand and the exports raised on the other, it does not present to us, I will not say a true statement of the case, but it should be represented exactly as the facts are in order that we may judge of it correctly. Now, so far as congratulating the House upon the value of the imports and exports to Great Britain, the price of cattle through the exports returns is $74 per head to Great Britain and the value of cattle sent to the United States $25 only. Sheep sent to Great Britain $9 per head, sheep sent to the United States $3.50. The value of eggs sent to Great Britain is 13 cents per dozen and to the United States 11 cents. It is such prices which show the value of a free trade market over a protective market. Here are 65,000,000 people living across the lake or the river, as the case may be, connected with us by the closest ties with transportation facilities and everything else to facilitate trade—65,000,000 of people that are supposed to be exceedingly wealthy as a nation, and yet we are able to get those larger prices from a population living across the ocean with all the difficulty of transport in the way and of unlimited competition interposed—38,000,000 of people under a free trade policy are able to give us those prices so far exceeding the prices that the 65,000,000 of people close to us can give for products. Now, if that is the case, if it presents itself to your mind as it presents itself to my mind, you will not be very long before you can argue out the matter in your own mind to feel and know that in order to give purchasing power to the people of Canada and make trade flow rapidly and vigorously through all the channels of communication we possess, the adoption of a policy of free trade, instead of a policy of restriction, should be followed by the Government of Canada, when they come to change their tariff policy in any direction whatever, and the country will soon realize what the advantages of a policy of that kind will prove to be. The hon. Minister of Trade and Commerce last night in his speech seemed to congratulate the House upon the success that Canada had met with in the decrease of importations in pork, bacon and ham from the United States. I say that it is no matter of congratulation that we have been able to import less bacon and hams during the past eight or ten years than we were able to do eight or ten years ago. I say the more that we import the better it is for the country. Yes, hon. gentlemen, it is so because you will secure no imports in your country unless there is labour in the country to produce something to export in exchange for them. Trade is not conducted on a basis of money, but on a basis of trade, and if we import 10,000,000 pounds of pork, there has got to be the product of labour, perhaps more profitably employed than in the production of bacon and hams, in order to pay for the importation of those articles. There is a difference between feeding pigs and raising them: protection compels you to raise them, but limits your power to feed to the production of the country. Free trade will enable you to feed or raise, as the farmer may find most profitable. You cannot buy, as an individual, unless you have labour or something that you possess yourself to give in

exchange for it. No more can a country import unless they have something to exchange in the products of their labour or the money to pay for it, but, as a matter of fact, the trade of international exchanges is made entirely on a trade basis. The exchange of bullion is of very small dimensions in comparison with the general trade of the country, and, therefore, it is not a matter of congratulation to feel that imports have fallen off in any degree whatever because exports must fall in sympathy. As a matter of profit it is of no advantage. True we are putting on an import duty in order, as the Minister of Trade and Commerce says, to protect those who are engaged in the industry of producing pork and manufacturing into hams and bacon, but the hon. Minister of Trade and Commerce knows perfectly well that the price that is paid for our pork and our bacon and hams is entirely gauged by the export value of the articles, because we export $1,800,000 worth of it to Great Britain, and the United States at the same time exports to Great Britain $30,000,000 worth. Therefore, if Great Britain is the ruling market for the prices in the United States and Canada, where is the benefit to the Canadian producer of the article of pork in consequence of the duty that is imposed upon it? Davis & Sons, of Toronto, are the largest pork packers in Canada, or about the largest; I saw letters over their own signatures stating that they could give no increased prices to the Canadian producers of pork for the manufacture of bacon and hams over and above the export value they get for it in Great Britain; and if that is the case, and I am prepared to take the statement of practical men of that kind to prove to my satisfaction at any rate that such is the case, and therefore as the people of Canada are taxed by the import duties and that the taxation reduces their power to get cheaper bacon, I say an injury is done to the consumers of the country by so doing and that the taxation imposed to encourage that pork industry does not go to the producers but to the curers, as I can show you in other lines of manufacturing. Of course it is very difficult to prove many things in connection with the increased cost given to the necessaries of life through the duties, but there is one item which is largely discussed and has been more largely discussed probably than any other because it is an article that is easily traced through its whole ramifications, and that is the article of coal oil. We can easily ascertain the cost of coal oil to our people in consequence of the duty. I make this statement here, that the protection given to the pork does not go to the producers in consequence of the export value regulating prices, but to the curers. Now, I distinctly say that coal oil is one of those articles by which I can prove my case. For instance, we import 6,000,000 gallons of coal oil from the United States at a cost of $437,000 and we pay duty on that $430,000. The figures are in these Trade and Navigation Returns that cannot be refuted. There is 100 per cent duty on the value of coal oil brought into the country. There is in addition to that 1 cent duty on the cost of the barrels and the inspection as well. Now at Petrolia the oil costs $6\frac{1}{2}$ cents per gallon, so that American oil that is brought to the boundary and sold and delivered at the boundary at $7\frac{1}{5}$ cents per gallon is increased to the extent of $7\frac{1}{5}$ cents per gallon. What for? To make the people of Canada pay a profit of $7\frac{1}{5}$ cents per gallon for what they consume for the benefit of the Petrolia Oil Works. Is there any sense in that? In connection with the Petrolia wells only 347 men are employed both in the production and the refining of the oil. The Minister of Trade and Commerce referred, in tones of exultation, to the barrel and cooperage and all other industries connected with it. If the Minister of Trade and Commerce will look at the census returns he will see that there are fewer coopers employed in Canada to-day than there were in 1881, by 300 men. If that is the case, and I say it is the case, that there are less men working at the cooperage and that there are only 347 men working at the coal oil refineries and wells and that the whole of the 5,000,000 of people in Canada are taxed $7\frac{1}{5}$ cents per gallon to produce that result, when we realize that an injustice of that kind prevails, when it is clearly shown that it does exist, should we hesitate for a moment as to the policy the Government should pursue in the question of tariff reform? I say that it is not a revenue tariff that we want, but a sweeping away of every tax on the labour and industry of the country in order to place Canadians in a better position to export to the markets of the world which are infinitely better than the restricted market of 5,000,000 of people to which their power of pro-

duction is limited. Now, we feel this question of coal oil in Manitoba and the North-west Territories exceedingly, because it is not an increase merely of $7\frac{1}{5}$ cents per gallon there, it is an increase of 19 cents per gallon in consequence of the duty, and I will show you how that is arrived at. The American oil wells compete with the Canadian oil wells. The American oil that comes into Canada is about 6,000,000 gallons. The Canadian oil produced in Canada is about 10,000,000 gallons. The American oil which comes into Canada in competition with Canadian oil is subject to a duty of $7\frac{1}{5}$ cents per gallon, and 1 cent a gallon on the barrel, for inspection a quarter of a cent, that makes $8\frac{1}{2}$ cents paid to the Government for the duty on the oil coming from the United States. The hon. the Finance Minister discovered a hidden tax in the shape of its distribution in tank cars being prohibited—that it cost so much to purchase barrels and to barrel it up, which added to the leakage increased the cost of distribution, and in that he discovered there was a very heavy taxation in addition to the duty, and in the agitation for tariff reform last year he says, I will remove this restriction, but he halted half-way like a good many who are checked when their resolutions are good—and unfortunately there are too many of them who turn from their good resolutions and feeling gratified at the virtue they have shown treat their good resolutions and thus go back to their old ways. That is why I am afraid of half-way measures, and it has proved itself in this instance, because tank cars are only admitted into the city of Winnipeg, the town of Brandon and the town of Portage la Prairie. Anybody in Manitoba and the territories living beyond the range of those places has to submit to the cost of rebarreling and the distribution in barrels. The result is it involves a cost of $3\frac{1}{2}$ cents in transferring from tanks to barrels. That makes 12 cents over and above the cost of the oil in Winnipeg. Then in consequence of this rebarreling taking place there is 2 cents a gallon charged to persons outside of Winnipeg for the local freight. When a car of coal oil comes from the oil wells of the United States it comes through to Winnipeg, a very slight increase in the through rate will carry it through to its destination two or three hundred miles farther, but when its bulk is broken you have to pay a local rate from Winnipeg to Russell, where I live, at a cost of about 2 cents a gallon. Now that makes 14 cents a gallon added to the cost of the coal oil before it gets into the hands of the retail merchants at all. Of course the retail merchant charges his profit on the cost to him of the oil—his legitimate profit on his business. In the west there is so much leakage and heavy insurance that the profits that our retail merchants charge amount to $33\frac{1}{3}$ per cent on oil. Therefore to the 14 cents per gallon has to be added the profits that the merchants legitimately charge on handling the goods for us. That is 5 cents, or 19 cents per gallon added to the price of coal oil for every farmer in the province of Manitoba. Is there any justice or right in it? Can you say that I am wrong or any man coming down from the West is wrong to come here and tell the people in Eastern Canada of the injustice and the difficulties that we are labouring under in consequence of a state of affairs of that kind, and that you are labouring under in the East, though not so glaring? Now, when I realized that I had to pay 45 cents a gallon for my coal oil, as I have had to do through the long winters, and that we only get 40 cents a bushel for wheat, and that a bushel of wheat will not pay for a gallon of coal oil, you will understand the difficulties that we labour under in that country which has been developed for the advantage of Canada. We are willing to bear any burdens that may be necessary for the benefit of Canada, but we do not want to be oppressed or unjustly dealt with. I took occasion to write to the Hon. the Finance Minister in order to point out to him—not as a member of this House, but as a private individual, while the Government was considering the tariff—I had just as much right to present my claim or the case of my neighbours as anyone else, and so I wrote and pointed out that we laboured under that difficulty paying 45 cents a gallon for our coal oil and that in any consideration of tariff reform the duty should be removed. So I wrote to the Finance Minister on the 6th of February, representing to him very much what I have represented to you this afternoon. This is his answer :—

OTTAWA, 19th February, 1894.

DEAR SENATOR BOULTON,—I have your letter of late date containing a copy of an article which was to appear in the "Russell Chronicle," and has I suppose already appeared. I am

afraid I would scarcely agree with all the points that it contains, but that of course would not prevent me from giving careful attention to all items in the tariff which affect the North-west as well as other parts of Canada. You will find upon inquiry that coal oil can be bought to-day in Winnipeg for from 15 cents to 20 cents, and if that be so, as it is, there seems to me no good reason why it should sell for 45 cents at Russell. Canadian coal oil is being sold now in tanks at Petrolia at 6½ cents per gallon, and can be taken in tanks to any city or town in Canada as far as any restriction imposed by the Government is concerned. There is of course a commercial restriction imposed by small consumption in out-of-the-way places where it would not pay to take oil in tanks either because of the small consumption or for other reasons. You will no doubt have an opportunity this winter of discussing this matter in your own place, and there is no need of us entering into a written controversy on the question.

Yours truly,
(Signed) GEORGE FOSTER.

Hon. Senator Boulton,
Shellmouth, Man.

When I received that letter I wrote to the agent of the Standard Oil Company, which is the competitor of the Canadian Oil Company, in order to find out from him the correctness of these figures and to ascertain where the blame rested. This is the reply that I received from him :—

WINNIPEG, MAN., March 7th, 1894.

Hon. Senator Boulton, Brandon.

DEAR SIR,—With reference to the quotation made by Mr. Foster that Canadian oil is being sold at 15 cents in Winnipeg, I have no knowledge of any such price in existence, and as they are our direct competitors it is very likely that if such a price was given we would be very apt to know it. In fact it is hardly possible for any quotation to be made and we not know it. The price of Canadian oil has been undoubtedly reduced to a very wonderful degree during the last six or seven months. For instance, the oil that was sold previous to the first day of September at 28½ cents has been recently reduced to 23½ cents. Take the best grade of Canadian oil which was sold to the dealers up to the 1st September last at 28½ cents it was reduced to the dealers to 23½ cents, and the other brands of Canadian oils in the same proportion. Mr. Gerrie started in to sell oil in Winnipeg by retail at 20 cents and 25 cents on the 1st September, and in order to bear out the statement made last year in Parliament that Canadian oil could be sold in Manitoba retail for 20 cents and 25 cents, Mr. Gerrie was placed in a position to do it. While he was retailing this same oleophene oil at 25 cents at times the merchants buying it by the barrel would pay 26½ cents for it, or 24½ cents in bulk without any package. Mr. Gerrie selling this same grade of oil under the name of Headlight at the retail price of 25 cents per gallon, of course, was not doing it without a profit. He told me himself distinctly that he paid the Imperial Oil Company 20 cents per gallon and 5 per cent discount, equal to 19 cents per gallon, for this same oil in bulk, which would cost the dealer 24½ cents in bulk, or 26½ cents with the barrel.

On the 12th February there was another reduction made on Canadian oil at Winnipeg to 23½, including the barrel, or 22 cents in bulk for oleophene oil. In order to make these prices a little plainer, I beg to inclose you a full price list of both American oils and Canadian oils previous to the 1st September, and the changes which have taken place since. We all know right well why this reduction recently made has been done, that it is simply to bear out the statement thst Canadian oil can now be sold so cheap that there is no necessity to take off the duty from American oils, and that they hoped to work this scheme to a successful issue through Mr. Gerrie. We have had, of course, to lower American oil down as far as possible to meet these prices, in hopes that the reduction of duty would better enable us to do so at the next session of Parliament, but we have strong reasons to believe that the influence that is being brought to bear from Petrolia is very likely to be successful in keeping that duty on.

The quantity used in the country of American oil runs about 16,009 barrels a year, but I cannot say for certain how much the Canadian importers handle, perhaps 10,000 to 12,000 barrels. The people of this country appreciate the best article they can find, and certainly should be supplied with it as cheap as possible to make it, but unfortunately the duty is against us in bringing down the price of oil to the basis it should be sold at; but were the duty removed we could at once place the people of the North-west in the same position as their neighbours across the line, excepting the difference of freight on the costs of their oil. It is claimed by the Government that American importers have been granted the privilege of importing in tank cars, which should make a great reduction in the price of oil. This we grant them, were there not such unreasonable restrictions placed upon that privilege as to destroy the benefit accruing to us from the privilege. These restrictions we have found to be so severe as to become almost prohibitive to the handling of tank cars into the country, as for instance when the tank car arrives (this is now the best facilities they can offer us). The car is first weighed at the railroad depot when it arrives, by the Customs. That, we may say, is all right. We then deposit a marked cheque for the amount of duty called for in the invoice of the car of oil; the car is then permitted to be taken out to our barrelling establishment and warehouse, where we are obliged to draw off every gallon of oil it contains and barrel it up, weigh every barrel separately again, stencil every barrel with the usual marks required by the Inland Revenue; then draw off a sample of this oil and have it tested, and every barrel signed by the Inland Revenue officials. We are then, as a very great favour, permitted to empty those barrels out by hoisting them up about 10 ft. to the top of the iron tank, and dump them into that tank, to be delivered for the city of Winnipeg trade alone. Immediately after the barrel is emptied, we are required by the law to erase every mark that we have had put on when we filled the barrel from the end of the barrel again (though it may have been marked 15 minutes previous), and necessitates a good deal of extra work at our warehouse, and a good deal of cost to the handling of the oil. A few days ago two tanks

arrived that I wanted to use for the city trade, and I went to the Inland Revenue official, brought him out to our warehouse and showed him the whole situation, the tanks having been already weighed by the Customs. I asked him if he could not grant me the privilege of dumping the contents of those two cars directly into our stationary tank, returning the empty tank cars, and having them weighed again by the Customs, and pay duty on all the oil found in the tanks, and also inspection to his department, estimating, if he liked, 42 gallons of oil to the barrel, instead of 50 gallons, which the law allows, but he said "No," he could not do it, but the law must be carried out as it stands, and I then went with him to the Customs Department to see if we could effect some arrangement between the two departments, as the oil had already been weighed by the Customs, which would enable us to avoid the roundabout way of barrelling up all that oil and then emptying it out again in order to comply with the letter of the law. I was told by the Collector of Customs that we could not do anything of the kind, but the law had to be carried out. I do not think that it is the intention of the Government at Ottawa to place such unreasonable obstructions in our way of handling our goods, but it seems to me that the officials are granted a good deal of discretionary power as to the carrying out of the law, and I regret to say that at this port in Winnipeg we find it one of the most difficult ports to do business with perhaps in the Dominion of Canada, if not in the British realm. I have had occasion repeatedly to apply to Ottawa to get possession of tank cars that were held up ten and twelve days awaiting the decision of the officials here as to the mode they would handle the goods, and only did I get permission to carry out the law and barrel up the goods for inspection when they were so instructed from Ottawa. In one case it cost me $13 in telegrams to the authorities at Ottawa to get instructions to the officials at Winnipeg to thus deliver me the goods that were standing on the railroad track. So on the whole I do not see as we could be much worse dealt with than we are at the present time by these restrictions and obstacles in our way of doing business in this country.

Yours truly,

D. WEST, *Manager.*

*Wholesale prices of Coal Oil in Winnipeg previous to September 1, 1893.*

| Canadian oils in brls. | | American oils in brls. | |
|---|---|---|---|
| Oleophene | 28½c. | Eocene | 34c. |
| Crescent | 27 | Sunlight | 29 |
| Silver Star | 23½ | | |

Bulk oil 2c. less.

*Prices from September 1 to February 12.*

| Canadian oils in brls. | | American oils in brls. | |
|---|---|---|---|
| Oleophene | 26½c. | Eocene | 32c. |
| Crescent | 25 | Sunlight | 27 |
| Silver Star | 21½ | | |

Bulk oil 2c. less.

*Reduction made on oils at Winnipeg, February 12, 1894.*

| Canadian oils in brls. | | American oils in brls. | |
|---|---|---|---|
| Oleophene | 23½c. | Eocene | 28c. |
| Crescent | 21½ | Sunlight | 24 |
| Silver Star | 17½ & 18½ | | |

Bulk oil 1½c. less.

| | |
|---|---|
| Duty on oil | 7·20c. |
| Duty on brl., 40c | 1·00 |
| Inspection, 10c. per brl. | 0·25 |
| Total | 8·45c. |

Hon. Mr. ANGERS. What letter is that?

Hon. Mr. BOULTON. That is the letter from the agent of the Standard Oil Company at Winnipeg, Mr. D. West. I give it to the House for what it is worth. It is the result of my labours to try and ascertain who is to blame for the price that we have to pay, 45 cents per gallon, for coal oil. Our farmers do not want to have to produce wheat at 40 cents per bushel and have to pay 45 cents a gallon for one of the primest necessities of their life in the North-west. The statement that was made in this letter which I produce to the House was that Mr. Gerrie was put in a position to sell his oil at retail in Winnipeg for a less price than the merchants in the interior could buy it at wholesale. I said that is a serious charge to make and I do not want to produce the letter unless you give me an affidavit as to the conversation which you state took place between you and Mr. Gerrie and I will feel justified in producing that alongside of the letter. This is the affidavit that he furnished me :—

Manitoba. } In
To Wit. }

I, David West, of the city of Winnipeg, and province of Manitoba, do solemnly declare that on the 25th day of September, 1893, in conversation with Mr. Charles Gerrie with reference to the reduced price at which he was retailing coal oil in Winnipeg, he, Mr. Gerrie said to me as follows :—

"I get a rebate of 5 cents per gallon on all the oil I sell. I pay the Imperial Oil Company in full regular market prices for the oil, and last week I received the money for rebate. I am not to know where it comes from, nor is Mr. Sharpe, as it comes from another source."

I asked him "Are you sure of getting this rebate? Have you anything in writing that would hold them to it?" To which he replied "Oh, no, it would not do to put it in writing as in the event of it getting out it would do a great deal of harm, but I receive my money all right and that is all I care."

During the months of December and January Mr. Gerrie showed me the oil he was selling for 25 cents per gallon, and in the latter month I took a sample of the oil known as Oleophene and had it tested by the Inland Revenue officials at Winnipeg, and found the gravity to correspond with oleophene oil gravity. On this oil Mr. Gerrie told me the price to him was 20 cents per gallon with a discount of 5 per cent, and was billed to him as Headlight oil, which is an inferior brand.

The price to the merchants on this Oleophene oil from the 1st of September to the 12th of February was 24½ cents in bulk, and 26½ cents per gallon in the barrel.

That this oil was retailed by Mr. Gerrie for 25 cents per gallon I saw done by the oil being drawn

out of a barrel, measured out to the customer and 25 cents in cash paid for it while I was looking on.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act, 1893."

Declared before me at the city of Winnipeg in the province of Manitoba, this tenth day of March, A.D. 1894. } D. WEST.

WM. BEMISH,
*A Commr. in B. Q., &c.*

I read that to you in order to show what we suffer from in consequence of the duty and in consequence of the efforts of the Imperial Oil Co., which is only an offshoot of the Petrolia Oil Wells to extract from the agricultural population of the west who have in the competi tive prices they receive more than they can labour under and suffer from in the North-west—to extract a larger share of profit than the duty accorded to them. It is only the result of a protective policy ; it is a policy of greed and selfishness in order to get as much out of one's neighbour as the neighbour's intelligence or means of self-defence will enable him to do. We have to pay so much for coal oil, one of the great necessities of our life out there, one of the necessities that comes back to us in exchange for the articles we send out, the products of our labour. Every single thing that we purchase with that product of our labour is increased more or less by a similar principle of protection whether it is cotton, coal oil, agricultural implements, wire, nails, wire fencing, binder twine or anything else—everything that we purchase with the product of our labour in the North-west has been thus added to in cost, exactly in the same way though perhaps not in the same proportion as in the case of coal oil, but still excessive amount added to its cost. When you realize that such is the case that when the Government is considering its tariff measure even if they will not abandon that principle of protection which they tell us in this address they are not going to abandon, they at least might punish those men who are shown to be illegitimately fattening on the people of the North-west and they will sweep away every vestige of the protection on the oil industry in Canada. Free trade will not kill it, but it will put it on the same plane as wheat. There are some other things that I should like to refer to in regard to this. Hon. gentlemen will realize that I am introducing a new subject—that I am arguing for a free trade policy from an entirely new standpoint—a standpoint never before presented to the Canadian Parliament, and for that reason I may be pardoned for detaining the House a little longer than is justifiable on an important occasion of this kind when the Government is waiting for the passage of the Address, but I should like to refer to the visit of the Minister of Trade and Commerce to Australia. He told us about the export of agricultural machinery to that country and how proud he was when he was told of the success of the Massey-Harris Co., one of our largest exporters, one of our wealthiest men at the head of an institution that I believe as far as capital is concerned is equal to anything on the continent. He told the House with great pride that the Massey Co. had been able to sell 8,000 machines of one class and another in Australia in competition with the United States manufacturers. Now, there is a valuable market there, I am quite aware, and we may take a just pride that our Minister of Trade and Commerce had gone to Australia in order to view the scene for himself and bring back such intelligence as he could to the people of Canada as to what opportunity did exist there in the opening up of trade with our fellow-subjects in the antipodes, but if we want to open up a trade in agricultural machinery with Australia what is going to enable us to do it—what is going to enable us to compete with Great Britain who sends agricultural machinery there—what is going to enable us to compete with the United States whose agricultural machinery is sent there? Is it putting the people of Canada in a better position to economically manufacture those articles? Adding to the cost of them through heavy duties on other lines of industry is not going to enable us to compete with those two powerful and wealthy countries ; but knock off the duties and put the people of Canada in a better position, then it will not be 8,000 machines, but 80,000 and possibly as population increases in Australia, 800,000. What did the United States do to encourage that trade which the hon. gentleman has pointed out as being in existence? In the United States, under the McKinley Bill, the manufacturer gets a rebate of the duties that have entered into the manufacture of agricultural machinery. Every penny that they have to pay on such materials is remitted to them

when they export this manufactured article, and in that way they have been able to sell to the people of Australia at a less price than to their customers at home. Why? Because the duties they pay on the article manufactured at home must of necessity increase the cost of manufacturing it. The reduction of duties enables them to sell it at a cheaper rate to the Australian. It is on that very principle that we have to act if we want to export our agricultural machinery.

Hon. Mr. BOWELL—What? The paying of the rebate, you mean?

Hon. Mr. BOULTON—No, free trade, rebate on everything. I do not believe in the people of Canada paying money out of their pockets in order to make cheap machinery for Australians or Americans, or for the Argentine Republic or any other nation. These are all competing with us in the production of wheat, and the policy of cheapening the machine for them alone is giving them an unfair advantage over us, but what I do believe in is taking the tax off all the industrial employment of the country in order to make labour compete more successfully with the world at large—in order to sell the product of its labour from Canadian soil and cheapen it for all customers alike. With regard to agricultural machinery, we have seen it stated that the United States proposes to take off the duty which protects their agricultural machinery, and that they are going to throw their market open to Canadian competition, and that the Massey-Harris Co. are going to be at liberty to compete there; but can they compete under existing affairs? Can they compete under a protective tax? No, because every single thing that they require to manufacture their machines with is subject to duties varying from 30 per cent to 40 per cent—their bar iron, their coal oil, their coal—every single thing that they require in manufacturing their machines, and a very large portion of it is imported from the countries where their machines are supposed to go into and compete.

Hon. Mr. BOWELL—Perhaps the hon. gentleman is not aware that the same system prevails in this country, as in the United States, in reference to a drawback of duties on articles which enter into the manufacture of machinery exported, so that the manufacturers of Canada stand in that respect precisely in the same position as the United States manufacturer who exports.

Hon. Mr. BOULTON—So much the worse for the Canadian people; so much the better for the manufacturers. The Canadian people are paying taxes out of their pockets to make the machines cheaper for the American than for the Canadian. That is no better argument than the *tu quoque* which is so frequently used.

Hon. Mr. BOWELL—The hon. gentleman advanced that as an argument in favour of the exportation from the United States, and condemns us for following the same course.

Hon. Mr. BOULTON. I say the United States, in order to compete with England in Australia for the sale of machines, offered a bonus to the manufacturers of the United States to the extent of the duty, and that the rest of the people had to pay for the making of these machines cheaper for the stranger. They were bonused to that extent, and I was merely deducing from that that if it was necessary for the American manufacturers to do that, how much more necessary is it for the Canadian manufacturers to remove the duty off every industrial necessity in the country in order to enable them to reach the Australian or English markets, or any other market in the world, or, in other words, to exchange the restricted market of 5,000,000 people in Canada for the extended markets of the world which can be reached by Canadian labour if they are only placed in a position to do so under the economic conditions of free trade. Supposing you have all your raw material admitted perfectly free—supposing everything you require for your manufactures are admitted perfectly free, and all the labour engaged in the manufacture or production of any articles, whatever it may be, get all the necessaries of life admitted perfectly free—what is to prevent the Canadian labourer from competing with any other labourer, either in Great Britain or anywhere else? What is the disability that he labours under? He is physically strong, he is intelligent and industrious, he has powers of distribution through the channels of communication that we possess and which are unrivalled. He has every facil-

ity for the distribution of the products of his labour, either from the farm, mine or factory. At present every industry that we are engaged in, manufacturing, production from the mine, or the forest, or any industry, is increased in the cost of production by 25 per cent through the duty, and if you take off that 25 per cent you will place, it is perfectly evident, every producer and manufacturer in the country at an advantage of 25 per cent over the position he occupies to-day. Hon. gentlemen know very well what 25 per cent means if they had to pay it in the shape of interest on a mortgage or anything at all—that it will very soon ruin them; and when I say 25 per cent I do not wish to make a statement without being able to prove that such is the case. Our imports are $121,000,000. The free goods are $51,000,000, and the dutiable goods $70,000,000. That is the position in which we stand with regard to our imports. On the $70,000,000 of dutiable imports there is $21,000,000 duty collected—that is 31 per cent exactly. That is the average. But the Minister of Trade and Commerce, probably, and others will say there is $51,000,000 of free goods admitted free and therefore it is unfair to charge that this 31 per cent is reduced only to 25 per cent. Hon. gentlemen must understand that of the $51,000,000 of free goods the bulk is raw material for manufacturing purposes, and that while that raw material for manufacturing purposes is admitted free the consumer does not purchase it free of duty as I have shown in the case of coal oil where it bears 100 and 200 per cent to the consumer in Manitoba. So if you take the value of free goods imported in raw material and add it to the dutiable goods, you will find that 25 per cent is added to the cost either through revenue or added price and that my statement is well within the mark. If our agricultural machinery men, or leather men, or manufacturers of any kind or description—I do not care whether they are woollen or cotton or paper or anything else—if they are all manufacturing with 25 per cent taxation resting on their shoulders, can you expect them to get to any extent beyond the boundaries of our own country except with natural products which we posess and which we are not getting the value of as it stands to-day? A man engaged in our nickel mines said to me "if what you say is correct and that we are working under a tax of 25 per cent, if you remove that 25 per cent we would beat the world. The sale of nickel is limited, but working it 25 per cent cheaper would enable us to command the market. At present we are working under difficulties and find extreme difficulty in making profitable sales." Take off that 25 per cent, and there is nothing to prevent Canada multiplying its manufacturing power, utilizing its water privileges, increasing the wealth of the people and the trade and industry of the Dominion. What have both parties always striven for in this country? Has it not been to get reciprocity with the United States? But it has been found that the reciprocity that they are willing to give us is not of a character that we are prepared to accept. The hon. gentleman quoted from Mr. Cards' pamphlet yesterday to show that the people of the United States had no intention to adopt free trade—that that was the conclusion he had come to after travelling through the United States from one end to the other. He found the sentiment among legislators was against free trade. In the United States the people find it difficult to get out of the grasp of protection which permeates all classes, but if we adopt free trade in Canada and admit the products of Great Britain and other portions of the world along our frontier, extending for 4,000 miles from the Atlantic to the Pacific Ocean, it will not be long before the United States will be compelled to adopt free trade also in self-defence, and all will be brought about in a friendly way, and in accordance with the verdict of the people of the United States. There can be no national enmity between the people of the United States and the people of Canada, if the barriers are down, while there can be no doubt that enmity will be aroused if protection is to be perpetuated—if we adopt free trade, and thus place ourselves in an economic condition which possesses superior advantages to their own, we will find that some of the American manufacturers will take advantage of our great resources and capabilities and establish branch factories, in order to utilize our resources. Then we will have an influx of capital and skilled labour. We shall then be able to hold those returning Canadians the Minister of Agriculture spoke of, and find employment for them, we shall attract unemployed capital, and the men who are now developing our resources and helping to

place Canada in the front rank, will receive an acquisition to their ranks from the British Isles and the United States. Such men as Massey and E. B. Eddy were citizens of the United States. If we can bring more men of that kind into this country, who adapt themselves to our constitution and to our laws, who possess industrial skill and plenty of capital —are we not going to benefit our country? Is there not the sum of $350,000 paid out in Ottawa annually by Mr. E. B. Eddy, and will not other places be benefited similarly by having other men of his stamp come into the country?

Hon. Mr. MACDONALD (B.C.)—The men you mention did not come in under free trade.

Hon. Mr. BOULTON—Mr. Eddy came in 40 years ago: but the very moment they supply the requirements of five millions of people, they have to limit the production to the requirements of these five millions. There is room for no more of them. England imports several million dollars worth of paper pulp annually, and not one dollar's worth of that product is sent to England from this country, (and yet paper pulp is produced from one of our natural resources), although there is an opening for it, and why? Because Mr. Eddy is taxed on everything he requires in his manufacture of paper pulp.

Hon. Mr. MACDONALD (B.C.)—Why don't the Americans?

Hon. Mr. BOULTON—They are labouring under the same disadvantages as we are: as the hon. the Minister of Trade and Commerce and the hon. the Minister of Agriculture have told us, their tariff is far above ours.

Hon. Mr. BOWELL—They export paper to England.

Hon. Mr. BOULTON—A very small quantity.

Hon. Mr. BOWELL—Mr. Card says so.

Hon. Mr. MACDONALD (B.C.)—The English came to America to manufacture.

Hon. Mr. BOULTON—English capital has been attracted of late to the Southern States to develop their natural resources there, and the United States have established factories in England, in order to manufacture in England for the markets of the world. It will bear no argument that the United States are in any better position than England is. Look at the Trade and Navigation returns of both countries—it can be proved that the paper industry has developed enormously because the Americans have been able to come into our forests and take the logs from which paper pulp is manufactured across to their own country perfectly free and under the most favourable conditions for transportation, viz., by way of Lake Superior to their mills in Wisconsin, and they are making paper there, and it is true they have increased their production, but it must be understood that the United States are suffering at the present time from over-production. They can produce in six months all they require for a year. With no outlet for their surplus, a depression in prices and a throwing out of employment results, disastrous alike to capital and labour. We have to face the same depression as existed in 1873. I will not detain the House any longer, although the subject is not an uninteresting one. I thank the House for the patience it has exhibited, and I thank the Government for the consideration which they have shown. As I know that they are anxious to close the debate on the Address, in order to get on with the business of the session, I will relieve the hon. the Minister of Trade and Commerce from any necessity of replying to my observations, but when he does tackle them he will, I know, discover some knotty points.

Hon. Mr. MACDONALD (B.C.)—I think the Behring Sea question is the one which comes most prominently before the House on this occasion. It is one in which I have taken great interest, and I have urged the question on the attention of the Government, and tried to get them to impress it on the English authorities. It must be very gratifying to Canada and to England also that the finding of the court at Paris has settled a very important international question—the question of maritime jurisdiction, and I think a great deal of good has been done in that way. In view of the importance of these questions, I was very much surprised to find an hon. member of this

House, a gentleman of ability and astuteness, belittling the matter and intimating that it did not amount to anything. It was simply a question of two and two make four and of the capture of Holland by the Dutch. I think these questions are highly important. They represent the contentions of sixty-five millions of people, backed up by armed force. They are the contentions which have led to the seizure of British property and to the imprisonment of British subjects. Are not these very grave and important questions? They are also the contentions of a nation of people who are not all fools, people who know pretty well what they want and generally manage to get their own way. No question which has been before the country since the Treaty of Washington has been of so much importance as this question submitted to the arbitrators in Paris. My hon. friend from New Westminster (Mr. McInnes) intimated that he approved of the result of the Treaty of Washington, on account, no doubt, of the money paid over by the United States Government, but I may say that that treaty was the result of an application of the same principle as was the treaty recently arrived at in Paris. A board of commissioners were appointed and a Canadian was given a seat on the board. He was the first one ever appointed in connection with the making of a treaty of that kind. I refer to the late Sir John Macdonald. I was a member of the House when the bill was brought in by the Premier, which had for its object the ratification of that treaty, and I recollect very distinctly that there was a howl from end to end of the country; that everything was going to ruin in this country, and the dissatisfaction was general. It may be that this treaty will be another example of the same kind. We cannot say what the results will be at this time. At the time of the Washington Treaty even the friends of the Government complained that we had done a wrong thing, and I recollect that one of the first subjects upon which I spoke in this House was that very treaty, and I am free to say that I did not undertake the task with a very good grace, because the result was not one of which I approved. It now is clear that those who opposed that treaty were wrong and that it really was a benefit to Canada. It brought about peace between the two countries, and no one is inclined now to complain of its provisions. If the arbitration at Paris had stopped at the point of entering upon the task of framing regulations, all would have been well, and if this Government and the Government of the United States had been allowed to arrange their own regulations, things would have been better, but that was not the case. Regulations were suggested by the arbitrators, which I may say have not yet become law, which do not please the Government of this country, and do not please the Government of the United States, and they certainly do not please our people in British Columbia, or indeed the people of any part of Canada. I believe they are now under discussion at Washington by the British Minster there and the Secretary of State for that country, and here I claim the ear of the Ministers, while I suggest the policy to be pursued. While special care should be taken in any modification of the regulations, or in the framing of any of the regulations, that the Americans do not get undue advantage, I would suggest that experts, who know the habits of the seal, should be consulted, and, if any opportunity is presented, to see that regulations are framed with a little more fairness towards Canada and towards British Columbia. If the zone of 60 miles can only be lessened, and if the use of firearms in Behring Sea can be allowed, then the valid objections to the treaty would be overcome. I do not know what may be possible, but I trust that the Government will use the greatest care before assenting to any regulations covering the seal fisheries in the Behring Sea. I myself am not able to say what the close season should be, but I think there should be a close season to prevent the destruction of the seal species. Forty or fifty of our vessels have left British Columbia and have gone to different parts of the ocean, some away down to California, some across to Japan and to different points, but they are all working under a great deal of uncertainty. They have no idea whether these regulations will be enforced or whether the *modus vivendi* that has prevailed during the past few years will be resorted to or not. They would prefer the *modus vivendi* which would enable them to use the weapons they have used in the killing of seals. Now, the enforcement of the regulations will be found very cumbersome and expensive, and, in fact, almost impracticable. The Government of England

having no direct interest in the matter, would, I think, use every means to avoid the great expense and great trouble and labour incident to the patrol of the Northern Pacific Ocean. What the outcome will be we shall see later on, but at the present time I am firmly of the opinion that the Government of Canada at least should not carry on any patrol of that kind. It would not be worth the expense. It would be cheaper to buy out the sealers at once and give them compensation for the vessels, which would not amount to very much.

Having said so much about Behring Sea and hoping that the Government will weigh what I have said on the subject of the regulations, I wish to say a word about the fast Atlantic service. There can be no question it would be of vast benefit to this country. The bringing of our mails and of a certain class of passengers and of light freight to our shores as quickly as possible would be a great stimulus to the country, and I confess to hearing with surprise the remark of the hon. gentleman from Halifax, who belittled and decried this service. It is quite unaccountable to me, because we all know that one of the matters which all nations hold to be of the highest importance, is the obtaining of rapid communication between foreign countries and their own ports. The hon. gentleman from Halifax asked what benefit such a service would be, what benefit it was to bring mails and passengers a few hours earlier than by ordinary lines. Why, the benefits are enormous. Any one can see the benefits which would accrue. As soon as we establish a line which will carry people comfortably, quickly and safely across the Atlantic, we will have a large travel, and we all know that incoming settlers, even immigrants, bring a great deal of money into the country, but still more would be brought by the wealthy travellers. Even the supplying of food, of fuel and other things required for their immediate consumption on arrival in this country, would be of vast benefit to the city of Halifax. The hon. the Minister of Agriculture speaks of the many passengers who go to Europe by way of New York, and the reason is obvious. They have there the fastest and the finest steamers, making the passage in half the time our steamers do. When we have a line of steamers on an equal footing with those entering the port of New York, we will be able to divert a part of the travel from the United States to Europe, as well as to carry all passengers from Canada. The hon. gentleman from Halifax also said that this was to be an election cry in Nova Scotia. If this is the case, what does it show?

Hon. Mr. ANGERS—That it is popular there.

Hon. Mr. MACDONALD (B.C.)— It shows that the service would be appreciated by the people of Nova Scotia. It shows also that the sentiments of the hon. gentleman are not those of the people of Nova Scotia. It further shows that if the improvement of communication and the opening up of avenues of trade were left to a certain political party, this country would be to-day a *terra incognita*. The whole of this vast Dominion would be occupied by a few fishing vessels and Indian wigwams. Fortunately, the destinies of this country are in the hands of men who have courage and enterprise, who are full of hope for the future progress of this country, men who intend that Canada shall take a front place.

Hon. Mr. PRIMROSE—I do not intend at this late stage of the debate to trespass at any length upon the time of the House, but there were a few remarks which fell from the hon. the senior member for Halifax, about which I should like to say something, and which have been noticed by the preceding speaker. I allude to the illustration which he used, that the volume of traffic by the C. P. R. resembled water passing through a pipe. I cannot think that he really intended it seriously. I think his intention was to confine his remarks particularly to the passenger traffic across the continent. He remarked that he did not see that the results which would accrue from that passenger traffic would amount to any more than a volume of water passing through a pipe. I do not think he could have been serious. There is this difference between the two, that in the one case it is merely water that is passing through the pipe; in the other case, it is the transit of a large number of intelligent men and women over our continent who have their eyes open to the resources of this country of ours, and who will not be silent about these resources, but will publish an account of them wherever they go. It seems to me that were

such sentiments as these to receive the endorsement of any large proportion of our people, we should be safe in concluding that, somehow or other we are born out of time, that this country of ours is an anachronism; that her history is an anachronism; that her prosperity is an anachronism, and the prevalence of sentiments of that kind surely would have a tendency to relegate us to mediæval times, with all their dark environment, when the pluck and energy, enterprise and intelligence manifested by our Canadian people were unknown quantities. I cannot think the hon. gentleman is really serious in the illustration, or looked ahead to see what the result of such a conclusion would be. In regard to the Atlantic service, I am very much surprised at his position, coming as he does from Halifax—he asks what difference does it really make if we should have a service that would be 24 hours ahead of any other service? We know that sometimes the most momentous issues depend, not upon 24 hours of time, but on a very few hours: and then again a nation which proposes, as I hope our young nation does (having already taken large strides in that direction) to attain a foremost place in the ranks of nations, must be up with the times and in active communication with the outer world, and it strikes me, hon. gentlemen, that it is a thing of very great importance indeed that we should have a fast Atlantic service, completing the magnificent transport service which we already have across the continent by the Canadian Pacific Railway and across the Pacific Ocean by the fast line to Australia. Our Australian fellow subjects are taking a very deep interest in this matter, and that at least should have a tendency to prove to us that the matter is one of no mean moment. These are the two remarks which fell from the lips of the hon. gentleman, to which I take exception, and for this reason that I wish to disabuse the minds of hon. members of the House of the idea that such sentiments as these prevail to any great extent in the constituency which I have the honour to represent in this House, or in the province of Nova Scotia at large. I feel confident that they do not.

One of the paragraphs of the Speech from the Throne contains the statement that Canada's progress continues with every mark of stability and permanence. I think that is contingent, and I think it would read well if we were to insert what the legal fraternity are accustomed to call a caveat there—adding the words "provided always" that the custody of the interests of this country be retained in the hands of the men who brought her out of comparative obscurity to take the place—the foremost place among the nations of the world which she even now occupies. Her prosperity and advancement are due to their determination not to rest satisfied with present attainments, but to push on still further to the front.

Hon. M. BERNIER—Je demande la permission de prolonger de quelques minutes encore ce débat, malgré qu'il ait duré assez longtemps déjà. Toutes les parties de l'adresse ont été discutées assez longuement. Peu de choses ont cependant été dites touchant la loi de faillite que nous annonce le discours du Trône. J'aimerais à faire quelques suggestions à cet égard. La dernière loi de faillite que nous avons eue était la loi la plus démoralisatrice que j'aie connue. On s'en est aperçu, quoique un peu tard, et elle a été abrogée. Il s'agit de législater de nouveau sur cette importante matière. Pour ma part, j'admets volontiers qu'il y ait des raisons de donner aux négociants des lois qui règlent leurs rapports entre eux. Mais il me paraîtrait juste d'exempter la classe agricole des effets de ces lois. Le cultivateur ne fait pas faillite. Pourquoi en ferions-nous une victime du négociant, qui n'a jamais fait autre chose que de tirer du bénéfice du cultivateur? Il sera nécessaire également de bien définir ce qu'on devra entendre par le mot "négociant." Les définitions de l'ancienne loi étaient trop élastiques. Il est arrivé trop souvent que des individus, criblés de dettes, n'apercevant aucune issue par où s'échapper de l'abîme, sont parvenus à se prévaloir de la loi de faillite, quoique n'étant pas négociants. Les syndics officiels les aidaient en cela. Ils leurs suggéraient de faire un commerce quelconque. Et ces particuliers ou devenaient charretiers, ou se faisaient brocanteurs, marchands de bric-à-brac pendant quelques mois, juste le temps nécessaire pour être considérés comme négociants aux termes de la loi, et finalement, déposaient leur bilan entre les mains du syndic officiel qui les avait si bien instruits. C'était une fraude manifeste, couverte par la loi. Il y a là un écueil à éviter dans la rédaction de la nouvelle loi. Je viens de parler de l'une des roueries auxquelles s'adon-

naient les syndics officiels. Il faut aussi signaler ce que l'on pourrait sans exagération appeler les turpitudes de quelques-uns de ces officiers. Ceux-ci avaient établi tout un système d'agents qui se faisaient, pour ainsi dire, les pourvoyeurs des syndics officiels. Ces derniers—il y avait sans doute d'heureuses exceptions—se constituaient eux-mêmes limiers, et pourchassaient les malheureux dont les affaires ne reposaient point sur de solides bases. Ils finissaient par les amener à la faillite. Et si l'on demande quel intérêt les syndics avaient à commettre ces scandaleux abus, il suffira de faire remarquer que leur rémunération consistait dans les percentages qu'ils moissonnaient sur l'actif de la faillite, et dans les honoraires qui leur étaient accordés sur les diverses procédures auxquelles donnait lieu la liquidation. Je sais qu'il faut préposer quelqu'un à l'administration des biens qui composent ce qu'on appelle l'actif et le passif d'un commerçant en déconfiture. Que l'on appelle cet officier, syndic, greffier, liquidateur, ou autrement, peu importe. Mais il importe beaucoup de ne point leur donner un intérêt direct dans les affaires qui tombent entre leurs mains. On devrait leur donner une situation analogue à celles des officiers d'un tribunal. Leur rémunération devrait consister en appointements fixes, et déterminés d'avance. Le système du percentage et des honoraires, est défectueux. L'intérêt du syndic est alléché par ces honoraires, et il administre non pour le profit des créanciers ou pour celui du failli, mais pour son propre bénéfice. Aussi, est-il fréquemment arrivé sous l'ancienne loi que l'actif d'une faillite était absorbé par le syndic, laissant les créanciers en face d'une caisse vide. Il est une autre suggestion que j'exprime mais sans vouloir y mettre plus d'insistance qu'il ne faut : c'est de créer des tribunaux de commerce. Je ne suis pas prêt à dire que l'opinion publique, et le commerce entr'autres, accepteraient volontiers cette suggestion. Mais il me semble que le projet mérite la considération du gouvernement. L'indépendance de ces tribunaux, et celle de leurs officiers, assureraient aux négociants, aux créanciers comme aux faillis, au public lui-même, une liquidation équitable des biens de la faillite, et préviendraient les abus qu'entraînait le système des percentages et des honoraires. Sous l'ancienne loi il fallait au failli, pour obtenir sa décharge, le consentement d'une certaine proportion de ses créanciers, en nombre et en valeur. Je me demande s'il ne vaudrait pas mieux tout laisser à la discrétion des tribunaux. Je conçois fort bien que les créanciers aient des intérêts sérieux à sauvegarder et qu'il ne faille pas les mettre à la merci de leurs débiteurs. Mais du moment que l'on autorise un tribunal à décider sur l'avis d'une majorité des créanciers, en opposition à l'avis de la minorité de ceux-ci, c'est admettre déjà que l'on puisse en certains cas ne point tenir compte des réclamations de quelques-uns des créanciers. Aller plus loin dans cette voie n'est qu'une question de mesure. La loi de faillite elle-même est une dérogation au droit commun. Laisser au tribunal seul la responsabilité de refuser ou d'accorder la décharge au failli ferait disparaître, à mon humble avis, l'un des abus de l'ancienne loi. Sous l'opération de cette dernière, il arrivait neuf fois sur dix, j'oserais dire, que le débiteur, pour obtenir le consentement de quelque créancier, était obligé de faire à celui-ci quelque avantage préférentiel. Il lui promettait, par exemple, de lui payer toute sa créance aussitôt après avoir obtenu sa décharge. Ou bien, il consentait avant de déposer son bilan, des billets pour un montant double ou triple de sa dette réelle. C'était violer l'esprit de la loi, qui mettait tous les créanciers sur le même pied. L'égalité du partage de l'actif n'existait plus. La justice n'était plus observée. Mais ce qu'il y avait de plus grave encore, c'est que le parjure, l'odieux parjure venait sceller les derniers arrangements. Le projet de loi que le gouvernement doit soumettre à la considération du parlement durant cette session, sera conçu de telle façon, j'en ai l'espoir, que les abus que j'ai signalés ne puissent plus se produire avec la même facilité. Si cette nouvelle législation devait ressembler à l'ancienne, il vaudrait mieux ne pas l'adopter, car elle aurait pour effet, comme l'ancienne, de pousser les populations dans la voie de la malhonnêteté commerciale. Notre devoir est au contraire de réagir contre d'aussi déplorables tendances, et de fortifier la conscience du négociant, en lui ouvrant largement les voies de l'honneur, et en le mettant à l'abri, quand il y est engagé, de toutes les séductions qui ne manquent point de le solliciter durant le parcours. Du reste, en tout ceci, ce sont les abus que je poursuis. Ce sont ces abus qui ont soulevé les clameurs contre l'ancienne loi. Que le gouvernement et cette chambre veuillent bien porter leur attention de ce côté, et je n'insisterai pas plus qu'il ne faut sur l'adoption de telles ou

telles mesures, pourvu que celles que l'on adoptera nous donne ce que nous recherchons tous.

The motion was agreed to.

## HARBOUR MASTERS' ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (A) "An Act to amend the Harbour Masters' Act," and moved that the bill be read the first time. He said: This is simply to make provision in the Act for the appointment of deputy harbour masters. It very often occurs when there is a vacancy that a deputy harbour master is required, and sometimes his appointment lapses before another harbour master can be appointed. It is necessary that the Government should have power to appoint a deputy to act in his stead during his absence.

The motion was agreed to, and the bill was read the first time.

## SABLE ISLAND BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (B) "An Act to amend the Act respecting lighthouses, buoys and beacons, on Sable Island," and moved that it be read the first time. He said: This bill is simply to give power to the Minister of Marine and Fisheries to appoint keepers whose salary does not exceed $200. At present no appointment can be made, however small the remuneration attached to it may be, without going to council. It often occurs that men have to be employed temporarily and as a rule it costs more to make the appointment in the way it is done now than if the Minister had the power to make the appointment at once. These men are not on the superannuation list, and no injury can result from giving the Minister power to make these small appointments.

The motion was agreed to, and the bill was read the first time.

The Senate adjourned at 5.25 p.m.

## THE SENATE.

*Ottawa, Wednesday, March 28th, 1894.*

The SPEAKER took the Chair at eight o'clock.

Prayers and routine proceedings.

The Senate adjourned at 8.20 p.m.

---

## THE SENATE.

*Ottawa, Thursday, March 29th, 1894.*

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## THE RULES OF THE HOUSE.

MOTION.

Hon. Mr. POWER, from the Special Committee appointed to consider and revise or to add to the rules, orders and forms of proceeding of the Senate, presented their first report. He said: Hon. gentlemen have had the draft report in their possession since shortly after the close of last session and the committee appointed this session have made very few changes in the draft, and those not of an important character. Apart from merely verbal changes, there are only three or four. Rule 44, as it stood, conflicted with a previous rule, No. 12, and the committee propose to remove any difficulty by inserting at the beginning of the rule "Notwithstanding anything in rule 12." This is simply to make the meaning clear. Then, in rule 79, paragraph 6, the Committee on Miscellaneous Private Bills, as provided for in the draft, was to consist of 20 Senators; it is recommended that the number be increased to 25. Then, there were certain slight changes made with respect to some of the rules of divorce. In rule 100 a few lines were stricken out, which were repetitions of something in previous rules. Under rule 101, as it appears in the draft, the evidence taken before Divorce Committees was to be printed under the supervision of the clerk of the committee. That was the law clerk, who acts as clerk of the Divorce Committee. The Committee, after due consideration, left

that it should not be the work of the law clerk to take charge of the printing of the evidence and the work has been placed under the supervision of the clerk of the journals, who takes the place of the law clerk. Rule 114 has been stricken out as being a repetition in so many words of the previous rule. The last paragraph of rule 113 has been stricken out for the same reason. A slight change has been made in rule 115 to make the meaning clearer. There is no change in the substance of the rule, but a slight change in the phraseology. In rule 121 the last three lines have been stricken out because they were unnecessary and the words "continue to" are stricken out of rule 122. These are the changes which the committee recommend in the draft rules. It is now a matter for the House to decide, whether they shall proceed to deal with this report at once or postpone its consideration to a future day. If it should be thought desirable to proceed at once, we can suspend rules 14 and 18 and adopt the report of the Committee to-day.

Hon. Mr. BOWELL—I can see no possible objection to acting upon the suggestion which has been made by the hon. member from Halifax. These rules were printed last session and were distributed, I believe, during the recess. There are no material changes, as the hon. gentleman intimates, and more than that, I see by looking at the records that they were actually adopted by the Senate last year and then, at the suggestion of some hon. gentleman, it was considered better to leave them over till this session in order that they might be considered by the members during the recess. That being the case, and the committee having met this morning and gone over them very carefully and made only a few slight alterations, I would suggest to the House to allow the rules to be suspended in order that the report may be adopted at once. I would then ask the Senate to suspend the two rules referred to by the hon. gentleman to enable me to move for a committee to appoint the Standing Committees, who could then meet to-morrow and as soon as possible have the report made by the several committees of the House. I move that rules 14 and 18 of the Senate be suspended, in so far as the same relate to the report of the Standing Committee appointed to consider and revise the rules and orders, and forms of proceedings of the Senate.

The motion was agreed to.

Hon. Mr. POWER moved that the report be adopted.

The motion was agreed to.

Hon. Mr. POWER—Another question occurs, to which I direct the attention of the leader of the House. In the hurry of adjourning this morning the Committee recommended that 200 copies of these rules be printed for immediate use. We should have recommended that a certain number of copies be printed in French. We ought to have 50 copies in the French language printed at once. I therefore move that 50 copies be printed in French in addition to the 200 in English.

The motion was agreed to.

Hon. Mr. BOWELL—Carrying out the suggestion which I have just made, in reference to the appointment of a Select Committee, I would ask the unanimous concurrence of the House to permit me to do so. Under the 78th rule of the new rules it is provided that at the commencement of each session a committee of selection be appointed to name the members who shall serve on the several Standing Committees of the House. These rules having been adopted, and in order to facilitate business, I would move with the consent of the Senate that the following gentlemen be appointed to nominate senators to serve on the several Standing Committees :—Hon. Messrs. Allan, Angers, Scott, Miller, Lougheed, Power, McClelan, Macdonald (B.C.) and the mover, and to report the same to this House.

The motion was agreed to.

## HARBOUR MASTERS' ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (A) "An Act to amend the Harbour Masters' Act." He said : This is simply to give power to appoint a deputy harbour master in cases where it may be deemed necessary to do so.

The motion was agreed to and the bill was read the second time.

## SABLE ISLAND BILL.

SECOND READING POSTPONED.

The Order of the Day being called, second reading (Bill B) "An Act to amend the Act respecting lighthouses, buoys and beacons and Sable Island."

Hon. Mr. BOWELL said:—The hon. Senator from Mille Isles has raised a point as to whether a bill of this kind should originate in the Senate, it being for the purpose of giving power to the Minister of Marine and Fisheries to appoint keepers of lighthouses whose salaries are under $200. The point raised by my hon. friend is this—that as it involves the expenditure of money it should originate in the House of Commons. I would ask the House to allow the Bill to stand until to-morrow.

Hon. Mr. MASSON—I did not raise an objection, I only suggested the possibility of such a point being raised. It is interfering with the salaries of officers—I may be mistaken, but it struck me that way, and I mentioned the matter to the leader of the House.

Hon. Mr. MILLER—There may be something in the objection taken by the hon. gentleman, but I think it is a matter of some doubt. The object of the bill is not to allot salaries to officers appointed by the Government, but to give power to the Minister to appoint, without reference to the Governor in Council, officers who have already voted to them by the House of Commons, or by the law, salaries of a certain amount—that is the object. At first blush I was inclined to agree with the hon. Senator from Mille Isles, but on looking further at the bill, I think it may properly come within the jurisdiction of this House, and is not at all an infringement on the rights of the House of Commons, because we do not attempt to give or fix the salaries of the officers in question.

Hon. Mr. BOWELL—There can be no harm in allowing the matter to stand until to-morrow. I did not wish to convey the impression that the hon. gentleman from Mille Isles raised the objection, but when he made the suggestion I thought it better to allow the bill to stand until to-morrow.

Hon. Mr. ALLAN—The bill only prescribes what officials shall be appointed by the Minister and what officials by the Governor in Council, and does not at all fix the salaries.

The order was allowed to stand until to-morrow.

The Senate adjourned at 3.45 p.m.

---

## THE SENATE.

*Ottawa, Friday, March 30th, 1894.*

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

## HARBOUR MASTERS' ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (A) "An Act to amend the 'Harbour Masters' Act.'"

Hon. Mr. VIDAL, from the Committee, reported the bill without amendment.

## SABLE ISLAND BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (B) "An Act to amend the Act respecting Lighthouses, Buoys and Beacons and Sable Island."

He said: This is the bill the second reading of which I was about to move yesterday when the suggestion was made that it was a measure which might be regarded as interfering with the rights and prerogatives of the House of Commons. On closer examination of the bill, it will be found that it is not of a character which interferes in any way with the appointment of officers to whom public money shall be paid. The law already provides for the appointment of superintendents and keepers of lighthouses by the Governor in Council. The object of this bill is simply to change the mode of appointment of keepers whose salaries are less than $200 a year. It will be seen at once that it is merely giving the head of the

department power to do that which was formerly done only by the Governor in Council. It is simply to facilitate the business of the department where it is necessary to make these minor appointments more rapidly than they could otherwise be made if left to the Council.

Hon. Mr. KAULBACH—Clause 3 of the bill provides that the Minister of Marine and Fisheries may make contracts for and purchase supplies.

Hon. Mr. SCOTT—That is the present law.

Hon. Mr. KAULBACH—This bill amends the present law. It gives authority not only to pay but to create a liability. This clause is only substituting one section for another, but at the same time it is legislation which we are initiating in this House.

Hon. Mr. SCOTT—It is the present law. There is no change of the law in that respect.

Hon. Mr. KAULBACH—I know it is the same, but still we are repealing one section and substituting another for it, and there may be a question whether we are not giving power to the Minister of Marine and Fisheries to create certain liabilities.

Hon. Mr. BOWELL—There are no new powers given to the Minister of Marine and Fisheries by this bill. We are simply repealing a section in the law as it stands and re-enacting the same clause with the additional powers to which I have referred. No power is given to the Minister of Marine and Fisheries that he does not possess at the present moment, under the Revised Statutes, except that of appointing lighthouse-keepers whose salaries are under $200.

Hon. Mr. KAULBACH—My contention is that if it were not a substitution, it would be giving authority to the Minister of Marine and Fisheries to create liabilities.

Hon. Mr. BOWELL—Do I understand the hon. gentleman to object?

Hon. Mr. KAULBACH—No.

Hon. Mr. BOWELL—It is not granting new powers to the minister, but re-enacting a law which already exists and which empowers him to do what is provided for here.

Hon. Mr. KAULBACH—What I contend is that if it were a new clause it would be a tax on the public reveuue, and therefore beyond our jurisdiction.

Hon. Mr. MILLER—There can be no harm to allow the bill to be read the second time to-day, and the objections which have been raised can be considered in Committee of the Whole. I do not look upon this measure as a money bill in any sense. It is not a measure which imposes taxation or grants money for any purpose, but a bill, in the first place in regard to the appointment of certain officers, regulating by their salaries, as a gauge, the class of officers that may be appointed by the Minister instead of by the Governor in Council, as at present. There is no taxation imposed on the public and no interference with the right of the House of Commons in any way to grant supplies. The objection to the last clause appears to have a stronger face on it, but still it must be recollected that we do not attempt to grant any moneys for the purposes indicated in that first clause. All the appropriations must be initiated in the House of Commons and granted by that House and the law is on the Statute-book empowering the Minister to do the thing that is mentioned in the bill. The objection raised by the hon. member from Lunenburg to the last clause in the bill is worthy of further consideration and it might be well for the Minister to consider whether that last clause should be dropped or not.

Hon. Mr. POWER—As I understand it, the hon. member from Lunenburg does not object to the clause, but says that if this were a new clause instead of a re-enactment of the existing clause, he would object. This is useful information but not important.

The motion was agreed to and the bill was read the second time.

The Senate adjourned at 3.40 p.m.

## THE SENATE.

*Ottawa, Monday, April 2nd, 1894.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## INSOLVENCY ACT.

INQUIRY.

Hon. Mr. READ (Quinté)—Before the Orders of the Day are called, I would like to ask the Hon. Minister of Trade and Commerce if the bill dealing with bankruptcy and insolvency is to be introduced into this House, and if so, when it may be expected.

Hon. Mr. BOWELL—It is the intention of the Government to have a bill dealing with insolvency introduced in the Senate, and I am in hopes that I shall be enabled to introduce it for the first reading to-morrow; if not to-morrow, certainly the day after.

## THIRD READING.

Bill (A) "An Act to amend the Harbour Masters' Act."—(Mr. Bowell.)

## SABLE ISLAND BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (B) "An Act to amend the Act with respect to lighthouses, buoys and beacons, and Sable Island."

(In the Committee.)

Hon. Mr. POWER—As I understand it, there was a change proposed in the first clause of this bill, so that it would read as follows: "the Governor in Council may appoint keepers whose salaries are over two hundred dollars a year and superintendents." It was the intention that the Minister of Marine and Fisheries should appoint keepers whose salaries were less than $200, but the Minister of Marine and Fisheries was not to appoint superintendents in any case. It would read this way: "The Governor in Council may appoint keepers whose salaries are over $200, and superintendents and such other officers as are necessary for the purposes of this Act."

Hon. Mr. BOWELL—The hon. gentleman is correct; it was so amended in the bill that I introduced. It should read: "The Governor in Council may appoint keepers whose salaries are over $200, and superintendents, no matter what their salaries, and such other officers as are necessary for the purposes of the Act"; and then the second subsection gives power to the Minister of Marine and Fisheries to appoint officers whose salaries are over that sum.

Hon. Mr. FERGUSON, from the Committee, reported the Bill with an amendment which was concurred in.

The Senate adjourned at 4.45.

---

## THE SENATE.

*Ottawa, Tuesday, April 3rd, 1894.*

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

## INSOLVENCY BILL.

FIRST READING.

Hon. Mr. BOWELL—Before the ordinary motions on the notice paper are presented, I think it well, in view of the importance of the subject, that I should at the very earliest possible moment, lay before the House the reasons why the Government have proposed to introduce a bankruptcy law, and in doing so I shall be as brief as possible. I shall, however, refer to the former Acts that have been passed by the Parliaments of Canada and which have been on the statute-book since confederation, and also point out as clearly and succinctly as possible what the law is as its exists to-day in England, and then I think if the House, and probably the country, would take the trouble to read the statements which I may make they would be better able to judge of the relative merits of the different legislation, whether it be the old law as it existed, the English law as it stands upon the statute-books, or that which

we now propose for the consideration of the Parliament of Canada. I shall ask the indulgence of the House in doing so to refer in a much more extended manner than is my habit to the notes which I have prepared upon this subject. I do so for this reason: it is a question of vital importance to the commercial community of this country, and I do not care to trust to my memory of the different clauses of the Acts which were in force some years ago, or the law as it stands upon the statute-book in England, or that which we propose to enact in this country. Hon. gentlemen will find, on reference to the British North America Act, that bankruptcy and insolvency are among the classes of subjects assigned to the legislative authority of the Parliament of the Dominion, and that in 1869 Parliament passed a general Act for the Dominion known as the Insolvency Act of 1869, the main provisions of which were as follows: The Act applied to traders only. Provision was made for voluntary assignments by the debtors to an official assignee resident within the county or place wherein he had his domicile, or if there was no official assignee, then to an official assignee of the nearest place in which such an assignee had been appointed, and the assignee called in the Act "interim assignee," forthwith called meeting of the creditors, and if at such a meeting the creditors failed to appoint an assignee, the interim assignee became assignee of the estate. Provision was also made for the compulsory liquidation of the debtor. This was effected in two ways:—(*a.*) By a demand on the part of the creditors to the amount of $500 or over that the debtor should make an assignment for the benefit of his creditors; or (*b.*) By the issue of a writ of attachment on the suit of a creditor for not less than $200, and in such case the estate was placed by the sheriff in the custody of an official assignee, or if there was no official assignee, in the custody of some competent person, to act as guardian under the writ until the creditors appointed their assignee. The official assignees were appointed by the board of trade of the county or adjacent county. In case there was no board of trade, or the board of trade failed to make a nomination, the judge could nominate the official assignees. There was to be at least one for each county and at least three for each district in Quebec. The security to be given was fixed by the board of trade, or judge, and an official assignee could be removed from office by the board of trade which had appointed him, or by the judge having jurisdiction at the domicile of the assignee. One or more inspectors might be appointed to superintend and direct the assignee—their services to be either gratuitous or paid for as the creditors might decide. The assignee was to wind up the estate, by collecting and realizing upon the assets, and dividing the proceeds among the creditors. In default of other instructions he was to make weekly deposits, at interest, in the name of the estate, of the moneys of the estate. He was subject to the orders and directions of the creditors, or the unanimous direction in writing of the inspectors, and he was also subject to the summary jurisdiction of the court or judge to the same extent as ordinary officers of the court. He might be removed by the creditors, or he might resign, and his remuneration was fixed by the creditors, but if not so fixed before the final dividend after the question had been brought up before a meeting of creditors competent to deal with it, an amount was to be put into the dividend sheet at a rate not exceeding five per centum upon the cash receipts—subject to contestation by any party interested as being insufficient or too much for the services rendered in the same way as other items in the dividend sheet. The remuneration of the interim assignee, if not fixed at the first meeting of creditors, was to be taxed by the judge and constituted a first lien on the estate. It was the duty of the inspectors, and of the assignee under their directions, to examine claims filed, and power was given to them to order the contestation of any claim. In case of contestation of claims, the assignee heard the case and made the award, subject to appeal to the judge. As soon as possible after the expiration of one month, and thereafter at intervals of not more than three months, the assignee was to prepare accounts and statements of his doings as such assignee, and at similar intervals to prepare dividends of the estate. In the case of claims depending on a condition or contingency, a dividend was to be reserved until the condition or contingency was determined, and if this would keep the estate open too long, the claim was to be valued and thereafter ranked as a debt payable absolutely. If a creditor held security for his claim, he set a value on the security and

might either retain it at such value, or the estate might buy it at an advance of ten per cent on the value so set. In either case the creditor ranked on the estate for the excess over the value or price paid for the security. Clerks had a preferential lien for four months' arrears of salary which might be increased by the creditors. Leases more valuable than the rent were to be sold on order of a judge. In case the lease was not sold and extended beyond the current year, the creditors were to decide at a meeting, held more than one month before the termination of the yearly term of the lease then current, whether the property should be retained for the use of the estate only up to the end of the then current yearly term. The landlord might claim damages and would rank on the estate as an ordinary creditor for the amount awarded, but the measure of damages was the difference between the value of the premises leased when the lease terminated under the resolution of the creditors, and the rent which the insolvent had agreed by the lease to pay during its continuance. The chance of leasing or not leasing the premises again was not to enter into the computation of damages. In Ontario, New Brunswick, and Nova Scotia, the landlord's preferential lien was restricted to one year's arrears, and during the time the assignee retained the premises. Contracts made with intent to impede or defraud creditors with the knowledge of the person contracting with the debtor, and which had the effect of impeding or defrauding the creditors, were null and void. Gratuitous contracts within three months of insolvency, no matter with whom made, and contracts by which creditors were injured, made by a debtor unable to meet his engagements and afterwards becoming insolvent, with a person knowing such inability or having probable cause for believing it to exist, or after such inability became public or notorious, were presumed to be made with intent to defraud creditors. Contracts for consideration, by which creditors were injured, if made within thirty days before insolvency by a debtor unable to meet his engagements to a person ignorant of such inability, and before the insolvency of such person became public and notorious, were voidable. Fraudulent preferential sales were void, and if made within thirty days before insolvency were presumed to have been made in contemplation of insolvency. Payments made within thirty days before insolvency by a debtor unable to meet his engagements in full to a person knowing or having probable cause for believing such inability to exist, were void. Transfers of debts within thirty days of insolvency for the purpose of enabling the debts so transferred to be set off, were void. Punishment by imprisonment, for a term not exceeding two years, was prescribed in case of a person purchasing goods on credit, promising advances of money, etc., knowing himself to be unable to pay. Provisions were made for the discharge of a debtor under a deed of composition and discharge, or by consent of creditors, or after the expiration of one year without the consent of creditors. The deed or consent of the creditors required to be executed by a majority in number of the creditors having claims over $100 each, and representing at least three-quarters in value of the liabilities of the insolvent, subject to be computed in ascertaining the proportions required. The discharge before being valid had to be confirmed by the court and might be granted absolutely, or the court might direct the operation thereof to be suspended for a period not exceeding five years, or might declare the discharge to be second class, or both, or the discharge might be refused altogether. A discharge obtained by fraud was void. No definition was made in the Act of the term "second class." Under the English law discharges were of three classes:—1st. Where the bankruptcy arose from unavoidable losses and misfortune, and 2nd. Where the bankruptcy had not arisen wholly from unavoidable losses and misfortunes, and 3rd. Where the bankruptcy had arisen from avoidable losses and misfortunes. Provision was made for the examination of the insolvent at a meeting of the creditors to be called for the purpose, and for further examination before a judge upon petition by the assignee or a creditor. The word "judge" was interpreted to mean a judge of the Superior Court in Quebec, of the County Court in Ontario and New Brunswick, and a judge of Probate in Nova Scotia, and provision was made for appeal in Quebec to the Court of Queen's Bench, in Ontario to the Superior Courts of law, or to the Court of Chancery, and in New Brunswick and Nova Scotia to the Supreme Court of the province. The Act was to remain in force for four years from 1st

September 1869 and it was by subsequent statutes extended to the end of the Session of 1875. Questions discussed at meetings of creditors were decided by the majority in number of creditors for sums of $100 and upwards present or represented at the meeting, and representing the majority in value of such creditors, and if the majority in number did not agree with the majority in value, the views of each section were embodied in resolutions, and the resolutions, with a statement of the vote taken, were referred to the judge, who decided between them. In certain cases the votes of creditors under $100 might be computed. These were the general provisions of the Bankruptcy Act of 1869. In 1875, a further Act was passed known as the "Insolvent Act of 1875," which repealed the former Act. The chief changes made by this Act and the Acts passed in 1876 and 1877 amending it, were as follows :— The Act defined who were traders. Creditors having claims under $100 could not vote. Voluntary assignments were done away with. The official assignee acted in all cases, whether the proceedings were on demand or under writ of attachment. The official assignees were appointed by the Governor in Council, one or more for each county or district. The official assignee had to give security to Her Majesty of $2,000 if the population of the county for which he was appointed did not exceed 100,000 ; and $6,000 if the population was over 100,000. This security was enacted in the interests of all estates in his hands. In addition to this, he might be ordered by the judge to give additional security for the special benefit of the creditors of any particular estate. The creditors' assignee was paid by commission on the net proceeds of the estate—5 per cent on amounts realized under $1,000, 2½ per cent additional up to $5,000, and 2¼ per cent additional on amounts realized in excess of $5,000, but the creditors might give additional remuneration. A meeting of creditors had to be held before a discharge with consent of creditors could be confirmed. Discharge was not to be granted without consent of creditors, unless (except in certain cases) the estate of the insolvent paid or was likely to pay 50 cents on the dollar. Clerks had a preferential lien for two months of arrears and for one month of the unexpired portion of the current year of service, during which period they had to perform, under the direction of the assignee, any work or duty connected with the affairs of the insolvent. The landlord's lien, except in Quebec was reduced to six months' arrears, and so long as the assignee retained the premises leased. A register had to be kept by the assignee, and the information therein had to be sent to the Minister of Agriculture. The assignee was not to act as the attorney or agent of the creditor, and a person was not to act as such attorney or agent in reference to his own appointment as assignee. The Act also provided for procedure in the case of incorporated companies, except banks, railways, insurance and telegraph companies. The Act was repealed in 1880. The chief features of the English Bankruptcy Act are : It applies to all debtors. The proceedings to bring a debtor within the provisions of the English Act are by petition to the court for a receiving order. The debtor may petition as well as a creditor. On a receiving order being made, an official receiver is vested with the debtor's estate, until the creditors meet and appoint their trustee. The official receiver could not be trustee except in the case of estates under £300, in which case he became trustee. Provisions are made for a public examination of the debtor before the court, which examination may be continued from time to time until the court thinks his affairs sufficiently investigated and orders it concluded, but no such order can be made until after the day appointed for the first meeting of creditors. The debtor is adjudged bankrupt if the creditors, at their first meeting, resolve that the debtor be adjudged bankrupt, or pass no resolution, or do not meet, or if a proposal for a composition scheme for the settlement of the debtor's affairs is not approved within fourteen days after the conclusion of the examination, or such further time as the court might allow, and thereupon the property of the debtor became divisible among his creditors and vested in the trustees. The trustee is appointed when the debtor is adjudged bankrupt, or the creditors resolve that he be adjudged bankrupt, but the creditors may resolve to leave the appointment to the committee of inspectors. In case of failure on the part of the creditors to make the appointment, it is made by the Board of Trade (one of the departments of the English Government), but the creditors or the committee of inspection may afterwards appoint a trustee to take the place of the trustees appointed by the

Board of Trade. The trustee may be removed by the creditors, or in certain cases by the Board of Trade, subject in the latter case to appeal in the higher court. The trustee appointed by the creditors has to give security to the satisfaction of the Board of Trade, and the Board, if satisfied with the security, certifies that the appointment has been duly made, and the appointment takes effect from the date of the certificate. The Board may object to the appointment on the ground that it was not made in good faith, or the person was not fit, or his connection with the bankrupt, or with a particular creditor, made it difficult for him to act with impartiality in the interests of the creditors generally, or that he had been previously removed from a similar office for misconduct or neglect of duty. If such objection is made, it is, if required by a majority in value of the creditors, to be referred to the high court for decision. The creditors may appoint from the creditors qualified to vote, or holding general powers of attorney from such creditors, a committee of inspection to superintend the administration of the bankrupt's estate by the trustee. The committee is to be not more than five, nor less than three. The debtor may be discharged either before or after being adjudged bankrupt on a proposal for composition in satisfaction of his debts, or a scheme for the settlement of his affairs, if approved by resolution of a majority in number of his creditors and representing three fourths in value of all the creditors who had proved claims, and if approved by the court. He may also, at any time after being adjudged bankrupt and after the conclusion of his public examination, apply to the court for his discharge which may be granted absolutely, or the court may, on the proof of certain facts, as that his assets were not equal to ten shillings in the pound of his unsecured liabilities, or that he had not kept proper books of account, etc., etc., refuse, or suspend it for a period of not less than two years, or suspend it until a dividend of not less than ten shillings in the pound had been paid, or it may require, as a condition of discharge, the payment by the debtor out of future earnings, or out of acquired property of any balance or part of any balance of debts provable against the estate not satisfied at the date of discharge. A person having notice of an Act of Bankruptcy available against the debtor is not entitled to prove for any debt or liability contracted by the debtor subsequently to his having notice. Clerks and servants have prior claim for wages in respect of service during four months before the date of the receiving order, not exceeding £50; labourers and workmen for two months not exceeding £25. Landlords may distrain for any rent due, either before or after the commencement of the bankruptcy proceedings, but if the distress is levied after the commencement of such proceedings it shall only be available for six months, and for the surplus he proves against the estate. Official receivers are appointed by, and act under the general authority and direction of the Board of Trade. The remuneration of the trustees is fixed by the creditors by resolution, but if one-fourth in number or value of the creditors dissent from the resolution, or if the bankrupt satisfies the Board of Trade that the remuneration is unnecessarily high, the Board of Trade fixes it. The courts having jurisdiction in bankruptcy proceedings are the High Court and the County Courts, but the Lord Chancellor may exclude any County Court from having jurisdiction. Provisions is made for appeal from the High Court or the County Court to Her Majesty's Court of Appeal, and from the latter court by leave to the House of Lords. Power is given to the Registrars in bankruptcy of the High Court, and to the registrars of the County Courts to hear petitions, make receiving orders, examine debtors, grant orders of discharge, etc. The receiving order is not made against a corporation, or against a partnership, association or company registered under the Companies' Act. Provision is made for the summary administration of estates when the total value of the property does not exceed £300. Such are the provisions of the Insolvency Act in England, as it exists to-day.

The bill which is now submitted for the consideration of the Senate differs in some material respects from former Canadian Acts and also from the provisions of the English Act, particularly as to the class of debtors who can take advantage of its provisions. In previous Canadian insolvency laws, traders only could assign or be put into bankruptcy by their creditors. The English Act however extends its benefits to all classes of debtors. The proposed bill provides for two classes of debtors: First, traders who are fully defined in section 5 and

debtors who are not traders as defined by that section. The former, that is the trader, can only assign or be placed in bankruptcy by the action of a creditor; that is he cannot make a voluntary assignment, while the latter class, that is the farmer, rancher, grazier or other debtor, can make a voluntary assignment and ask for relief under the Act, but cannot be forced into insolvency. The reason for this distinction is to prevent any one or more creditors from placing an agriculturist or other similar debtor into bankruptcy when there might be a probability of his being able to pay his indebtedness after a good or average harvest, when, if forced into bankruptcy his farm and other property might be sacrificed and thus ruined by costs, etc. I think the Senate will agree with the decision which the Government has made in this respect, that while the creditor should have full control over the debtor in the case of actual and *bona fide* traders, that they should not have the power to rush into the Bankruptcy Court, and thereby ruin that class of people who are termed debtors by the Act. Section 6 sets forth the acts which constitute insolvency and which render a trader liable to have proceedings instituted against him in this particular, following closely the Act of 1875. I think it is important in this respect, and I will read it. Section 6 provides that:—

A trader commits an act of insolvency and becomes liable to have proceedings instituted against him under this Act in any of the following cases:

(*a*) If he ceases to meet his liabilities generally as they become due.

(*b*) If he calls a meeting of his creditors for the purpose of compounding with them, or if he exhibits a statement showing his inability to meet his liabilities; or if he gives notice to any of his creditors that he has suspended or is about to suspend payment of his debts; or if he otherwise acknowledges his insolvency.

(*c*) If he absconds or is about to abscond from any province in Canada with intent to defraud his creditors or any of them, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process; or if being out of any such province in Canada, he so remains with a like intent, or if he conceals himself within the limits of Canada with a like intent.

(*d*) If he secretes or is about to secrete any part of his estate or effects with intent to defraud his creditors, or any of them, or to defeat or delay their remedies or demands.

(*e*) If he assigns, removes, or disposes of, or is about or attempts to assign, remove, or dispose of any of his property with intent to defraud, defeat, or delay his creditors, or any of them.

(*f*) If he makes any general conveyance or assignment of his property for the benefit of his creditors; or being unable to meet his liabilities in full he makes any conveyance of the whole or of the main part of his stock in trade or assets, without the consent of his creditors, or without satisfying their claims.

(*g*) If he permits any execution issued against him under which any of his chattels, stock in trade, assets, land, or property is seized, levied upon, or taken in execution, to remain unsatisfied until within four days of the time fixed by the sheriff or seizing officer for the sale thereof, or to remain unsatisfied for fifteen days after such seizure.

(*h*) If with intent to defeat, defraud, or delay his creditors, or any of them, he procures his chattels, stock in trade, assets, land or property, or any portion thereof, to be seized, levied on or taken under, or by any process of execution.

Perhaps it would be well also to read the 13th section, which provides exclusively to other classes of persons who can make assignments voluntarily. That is described in the Act as the debtor, in contradistinction to that of the trader.

The 13th section provides:

A farmer, grazier, or rancher, or a debtor not being a trader within the meaning of this Act, may present a petition that a receiving order be made in respect of his estate. Such petition shall allege that the petitioner is unable to pay his debts and that he had resided during the six months immediately preceding the date of the petition and then resides within the jurisdiction of the court to which the petition was presented; and the court, on being satisfied by affidavit or otherwise, of the truth of the allegations contained in the petition, and that an order should be made, may make a receiving order. Provided always, that no petition so presented can be withdrawn except with the leave of the court.

Section 7 deals with the proceedings required to bring a trader under the Act, namely, on the petition of a creditor for $250 and upwards, for a receiving order, which may be issued in the first instance, in all cases except when the act of insolvency relied upon is that the debtor has ceased to meet his liabilities generally as they become due, in which case the order is issued only after notice to the debtor. In case the order is issued *ex parte* the debtor may move to set it aside. As I have already indicated, provision has not been made whereby a trader may make a voluntary assignment or whereby a receiving order may, as in England, be issued on the trader's petition. The Act of 1869 provided for voluntary assignments by the trader; the Act of 1875 provided for assignments only on demand of creditors. The issue of a receiving order vests in the official receiver the estate of the insolvent. Sec-

tions 17 to 20 deal with the appointment by the Dominion Government and with the security to be given and the duties to be performed by the official receiver. In the interests of the creditors, provision is made that the business can be carried on in the interval of time between the issue of the order and the appointment of the liquidator, for example to finish unfinished contracts; and provision is also made that as full a statement and inventory of the estate as possible should be presented at the first meeting of creditors. The liquidator must be appointed at the first meeting of creditors, to be held within 20 days from the making of the order, and if not then appointed or appointed by the inspectors immediately afterwards, he is appointed by the court. Section 29 provides for the appointment of inspectors and sections 30 to 34 provide for assistance being given by the debtor in the winding-up of his estate, for his examination under oath or the examination of any other person having knowledge of his affairs, for the arrest of the debtor in certain cases and for the delivery of his correspondence to the receiver or liquidator. This clause may seem somewhat inquisitorial in its character, but it is contained in the English Act, as well as in the old acts which were passed by the Parliament of Canada. Under an order from the court, his letters and correspondence can be taken possession of and read in the presence of certain officers of the court, and the debtor or trader as the case may be, and if they relate to his business they will be retained, and if not, they will be handed back to him. Sections 35 to 53 make provision for the discharge of the debtor, which may be effected in two ways: First, under deed of composition and discharge executed by a majority entitled to rank on the estate, or, secondly, without consent of creditors after the expiration of a year. In both cases the deed, or the discharge, has to be confirmed by the court and provision is made for notice to creditors. The court may confirm, refuse, or suspend the operation of a discharge, and in case of a deed, it may, following the English Act, impose conditions as to payment of further dividends out of future earnings or after acquired property. A meeting of creditors must be held specially to consider a deed of composition, but the notices of application to the court to confirm the deed may be given concurrently with the calling of the meeting. The meeting must, however, be held at least one week before the application is heard. Appeal from the decision of the court, confirming or refusing to confirm a deed is allowed in all cases. Applications for discharge are not heard by the county court judges as in case of other proceedings under the bill, but by the judges of the higher courts. The provisions of the bill have been cast with a view of simplifying the proceedings and lessening cost to as great an extent as possible. Section 54 extends the provisions of the Act relating to discharge to traders and debtors who, since the repeal of the Act of 1875, have made general assignments without preference or priority. In this case they would have to undergo the same examination and pursue precisely the same course as a trader or debtor desiring to be relieved of his debts under the Act. Part 3 of the bill deals with the debts which are provable against the estate, the effect of the insolvency on antecedent transactions, and the realization and distribution of the property of the estate. These sections are based upon the Act of 1875, and can better be considered when the bill is in committee, and dealt with section by section. Attention may, however, now be called to the provisions of section 58, which enumerates the privileged claims to be paid in full before payment of dividends, namely, official receiver, liquidator, and employees for three months' salary and landlord for three months. In the case of a landlord, the right of distraint is taken away, but a preferential lien is given for the time his premises are occupied by the liquidator for the benefit of the estate. Section 80 follows the English Act which allows property to be disclaimed in certain cases, when burdened with conditions which would render it valueless as an asset. This latter section was not in previous Insolvency Acts in Canada. Part 4 (Section 93) provides for a more summary method of winding up small estates. This section applies only to estates in which the value of the property is not to exceed $5,000 of available assets. There are similar provisions in the English Act, but they only apply to estates under £300 ($1,500). We considered that in drafting this, we might safely, under the peculiar circumstances of our country, extend that amount to $5,000, where the creditors could, by mutual agreement with a trader or debtor, take possession of the estate and make the most possible money

out of it, at the least cost. No special remarks need be made in relation to Part 5, which deals with the duties, etc., of the liquidator. His remuneration, as well as the remuneration of the official receiver, is left in the hands of the creditors or inspectors, subject to review by the court. Part 6 refers to offences and penalties, and calls for no special remarks, nor does Part 7, which provides for procedure generally, except that attention might be directed to tbe method in which questions are decided by creditors. We have adopted the principle of the English Act, namely, by the majority in value of the creditors present at a meeting and entitled to vote. Such are, in brief, the provisions of the present Act, the first reading of which I propose to submit to the Senate. I think, after this explanation, that it would be well to defer the second reading for some eight or ten days at least, in order that the Bill may be printed and circulated, and members of the Senate and merchants in the country, who are interested, and the traders and debtors who are equally interested with the creditors, may have an opportunity of seeing and reading it, and making such suggestions as they may deem proper under the circumstances. My hon. friend has suggested that probably it would be well in this connection that a larger number be printed than are printed of ordinary bills in order that members may have an opportunity of sending copies to the merchants in their locality, and if that be the view of the House, the clerk will give instructions to have a larger number printed.

Hon. Mr. SCOTT—Can the hon. leader of the Government inform me as to whether the Bill will be circulated in a short time, because the fixing of the date after the second reading would largely depend on when Senators might expect to receive the copies. Perhaps the hon. leader of the Government would say when he expects to have the bill printed, so that we can fix a date for the second reading.

Hon. Mr. BOWELL—The bill as originally drafted is now in type; it has been materially altered in some respects, but not to any very great extent, by Council, and I hope to have it circulated the day after tomorrow. It will have, however, to undergo the supervision of the law clerk and it will be one or two days before it is printed.

Hon. Mr. LOUGHEED—May I ask if it is the intention of the Government to refer it to a special committee, or have it dealt with by a committee of the whole House?

Hon. Mr. BOWELL—These bills are always dealt with by a Committee of the Whole House, and I think it would be a better way. I would move the second reading on the 13th, and if the House is not ready, we can postpone it.

Hon. Mr. GOWAN—I would like to ask if the Government are in possession of the decision recently rendered by the Privy Council in England as to the Insolvency Act passed by the province of Ontario? It may be desirable that it should be before the House when the bill comes to be discussed, and the decision should be very fully considered, to see how far we are authorized to go. I hope my hon. friend will be able to secure a copy of that decision.

Hon. Mr. BOWELL—I do not think the Government has any further knowledge than that which has appeared in the public press, but I can say that steps will be taken to secure it, if there are copies in the country. My impression is that the decision of the Privy Council on the Ontario Act does not in any degree affect the powers which the Dominion Parliament has to deal with the question of the Insolvency Act, but it does define the powers that the local legislatures have to enact laws for the distribution of estates. I am only speaking as a layman, however, and I think the suggestion of the hon. gentleman is a very good one, and I will endeavour to procure a copy and lay it before the Senate before we enter upon the discussion of the details of the bill.

Hon. Mr. SCOTT—I think the explanation given by the leader of the House of the recent decision is correct. The effect of the decision was that the limited assignments, under the Ontario Act, were legal, in the absence of any Dominion Act. Of course, an Insolvent Act of the Dominion would supersede any Act of a local legislature. The same thing happened in the States. State laws were passed, but they were always over-ruled when Congress passed a law on the subject. It is only in the absence of any Dominion law that these Acts are recognized.

The bill was read the first time.

## THIRD READING.

Bill (B) "An Act to amend the Act respecting Lighthouses, Buoys and Beacons, and Sable Island."—(Mr. Bowell).

## THE STANDING COMMITTEES.

MOTION.

The Order of the Day being called,

Consideration of the report of the Committee of Selection appointed to nominate the Senators to serve on the several Standing Committees for the present session.

Hon. Mr. BOWELL said: If there are no objections the report can be adopted as a whole, but if the House prefer it, the committees can be appointed separately.

Hon. Mr. DICKEY—Our practice has been to appoint the committees separately.

Hon. Mr. MACDONALD (B.C.)—Under rule 16 of the new rules, a special summons must be sent to the Senate to consider any amendment proposed to be made to a Standing Order. No such notice has been issued for the consideration of clause 2 of the report, which recommends that rule to be amended.

Hon. Mr. POWER—We have not got to that yet.

Hon. Mr. BOWELL moved the adoption of the report so far as it relates to the Joint Committee on the Library of Parliament and the Joint Committee on Printing.

The motion was agreed to.

Hon. Mr. BOWELL moved the adoption of the report so far as it relates to the Committee on Standing Orders.

Hon. Mr. DICKEY called attention to the fact that of the nine members of this committee, four were from the Maritime Provinces and none from any part of Canada west of Ontario, and asked that the name of Mr. Kirchhoffer be substituted for his.

The clause was amended accordingly and adopted.

Hon. Mr. BOWELL moved the adoption of the clauses relating to the Committee on Banking and Commerce, Railways and Telegraphs and Harbours and Miscellaneous Private Bills.

The motion was agreed to.

Hon. Mr. BOWELL moved the adoption of the clause relating to the Committee on Internal Economy and Contingent Accounts.

Hon. Mr. McINNES (B. C.) asked that the name of Mr. Reid (Cariboo) be substituted for his.

The clause was amended accordingly and agreed to.

Hon. Mr. BOWELL moved the adoption of the clauses relating to the Committees on Debates and Reporting, Divorce and Restaurant.

The motions were agreed to.

Hon. Mr. BOWELL—The Committee appointed to select these committees thought that the title of the Contingent Accounts Committee did not really cover the powers with which that committee was invested and they suggested that it should be called the Committee on Internal Economy and Contingent Accounts, which I think the House will agree in saying covers the duties of the committee much better than the simple words "Contingent Accounts." The following resolution was therefore adopted:—

Your Committee recommend that Rule 80 of "The Rules and Standing Orders of the Senate" be amended so that "The Committee on Contingent Accounts" shall be hereafter styled "The Committee on Internal Economy and Contingent Accounts."

We might by unanimous consent adopt this clause. It does not affect the general principle of the rule but it makes more explicit and distinct the duties of the committee.

Hon. Mr. POWER moved the suspension of rule 16 with reference to this clause.

The motion was agreed to and the clause was adopted.

## THE MANITOBA AND NORTH-WEST SCHOOL ACTS.

MOTION.

Hon. Mr. BERNIER moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all school ordinances, school regulations and amendments thereto, adopted by the Legislative Assembly, the Executive, and any Board or Council of Education, in reference to the

establishment, maintenance and administration of Schools in the North-west Territories since 1885;

Also, for copies of all petitions, memorials and correspondence in reference thereto;

Also, for copies of all reports to the Governor General in Council, and all communications and representations to the authorities in the North-west Territories.

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all petitions, memorials and correspondence in reference to the appeal made in the name of the Roman Catholic minority of the province of Manitoba, in reference to the school laws of that province;

Also, copies of reports to and Orders in Council in reference to the same;

Also, copies of the case submitted to the Supreme Court of Canada, respecting aforesaid appeal, including factums and all materials in connection therewith put before the Supreme Court, and of all judgments rendered and answers given by said court on or to the questions referred to them.

He said: In making the motion which is now before you, I do not intend to raise a complete and final debate on the questions dealt with in the papers, the production of which I seek for. Those questions are so momentous, the interest which the people take in them is so great, and our debates may have such an influence throughout the whole Dominion on the ultimate moulding of public opinion in connection with such questions, that we must approach them calmly and dispassionately and not urge any body to commit himself until we are in possession of all the papers, and until we are made aware of all the facts connected therewith in their most minute details. It is with this view, it is for the purpose of affording everybody an opportunity of getting a full knowledge of those facts and of the contentions of all parties concerned, that I am moving for this address. Having so stated my intention, it might seem to many that I could here very properly cut short my remarks, and let my motion be carried without occupying any more of your time and kind attention.

I feel, however, as if my duty would be better fulfilled by taking this opportunity of prefacing, as it were, any further action I may have to take in these matters, with such considerations as may lead the public to a full understanding of our position, of the deep sense of duty and responsibility we are labouring under, of the true feelings we entertain, of our sincere desire for a peaceful, equitable and constitutional settlement of the questions which are now so deeply agitating the people of this Dominion, and also of all the alarms and suggestions which are creeping in our hearts with regard to the future welfare of the confederation. In the performance of this duty, I may exceed in my remarks the proper limits. But so long as I do not trespass too far on your indulgence, I hope to be allowed to go over even that wider range which would not otherwise be in order. I believe that it is most important that some misapprehensions be dispelled, and some historical facts recalled, and the protection of the minorities in confederation as a fundamental point of our constitution be insisted upon. It cannot be denied that these school questions have a disturbing effect upon the population of Canada. It would be unwise to close our eyes to the fact that from one end of the confederation to the other, there exists a feeling of anxiety which prompts all thinking men to look forward and see whether the storm will permit the ship to reach in safety the port pointed out to future generations by the patriotic and high minded statesmen known as the fathers of confederation.

There are 5,000,000 of people in Canada. Of that number, 2,000,000 are Catholics. It cannot be expected that such a large proportion of the nation shall remain silent and restful whilst, in some part of their own country, their rights and liberties as British subjects are intruded upon in violation of the true meaning and intent of the agreements entered into by all parties, by the local interested parties as well as by the Canadian and Imperial authorities.

The questions which are now before the public are of the same nature as those which brought about the state of affairs which prevailed immediately previous to confederation. Such being the case, a query suggests itself to our mind: shall we, after 25 years of confederation, be obliged to confess that this regime, instead of realizing the great expectations that were entertained at the time of the union, has had no other effect than to bring us back, after a long circuit, to the starting point, to the same uncertain and gloomy issues? This aspect of affairs is worthy of being taken into serious consideration by those who were instrumental in the inauguration of our present constitution, by all true and well meaning lovers of their country.

Let us recall the period of our political history previous to the 1st of July, 1867. It

is an easy task. The hon. gentlemen sitting in this House were all then sufficiently advanced in years to appreciate the difficulties of the time. The administration of affairs had become almost impossible in United Canada. Political strifes were so intense that no man, no party, could with any likelihood of success, undertake the honourable duty of carrying on the government of Her Majesty. From 1862 to 1864, no less than five different governments had been in power. The prosperity of our land was hampered ; according to certain expressed opinions, the very existence of Canada as a British colony was endangered.

Men of all parties and of all shades of politics, said Sir John A. Macdonald, became alarmed at the aspect of affairs ; * * * * unless some solution of the difficulty was arrived at, we would suffer under a succession of weak governments, weak in numerical support, weak in force, weak in power of doing good, * * * * leading statesmen on both sides seemed to have come to the common conclusion that some step must be taken to relieve the country from the dead lock and impending anarchy that hung over us."—Conf. Debates, page 26.

Sir Etienne Taché, who was then the premier of Canada, said also :

Legislation in Canada for the last two years had come almost to a standstill * * * * the country was bordering on civil strife * * * * in our present condition we could not continue to exist as a British colony * * * * he would also ask if it was not the duty of both sides to do all they could to prevent the unfortunate results which would have followed.—(Conf. Debates, page 6 and 9.)

Another great leader in the political arena of the old times also laid stress on the situation. Whilst expressing his satisfaction at the confederation scheme, he admitted the urgency of the measure for the sake of peace and in view of the future stability of the country :

I cannot help feeling, said the Hon. Geo. Brown, that the struggle of half a lifetime for constitutional reform, the agitations in the country and the fierce contests in this chamber, *the strife and the discord* and the abuse of many years are all compensated by the great scheme of reform which is now in your hands. And again : I am further in favour of this scheme as a remedial measure, because it brings to an end *the doubt* that has so long hung over our position and gives a stability to our future."—(Conf. Debates, pages 84 and 96.)

Such was the condition of affairs when confederation was discussed and came into existence. And as I have already said, that condition of affairs had been brought about precisely by the same vital questions which are now confronting ourselves. And in order to find some lessons to guide ourselves in the present contest, it is interesting to know the course taken by our predecessors of nearly thirty years ago. There is something refreshing in the political events of that time. Irrespective of the intrinsic value of the scheme which has since been adopted and accepted as our constitution, irrespective of the different opinions that were expressed pro and con, then took place what will ever be considered as some of the most illustrious pages of our history. Men who up to that time had bitterly fought against each other, paused for a while before the abyss ; they realized the intensity of the crisis, they took advice from the situation and from their patriotism, they rose superior to their passions and above their political and personal feuds, they dropped their prejudices and burying the tomahawk and joining together to relieve the country from depression and from dissensions, they engaged in the noble work of sowing and fertilizing the seed of the national tree, the fruits of which were to be distributed amongst the members of the Canadian family, and whose branches were to give shade and shelter to every one in the land, irrespective of race or creed.

And that tree rooted in the valleys of the great lakes and of the St. Lawrence, was to be extended east, to the Atlantic Ocean, and west to the Pacific Ocean, covering also our immense prairies. That was the magnitude of the scheme. Even then it was contemplated to extend the prospective blessings of confederation to the Northwest, and some of those blessings were expressly said to be the suppression of religious and race dissensions, the permanent settlement of all such difficulties in a broad, generous, national and lofty spirit. "We cannot stand still," said the Hon. George Brown, " we cannot go back to chronic sectional hostility and discord."—(Conf. Debates, p. 87).—And a few minutes before he had said :

The vast Indian territories * * * * will ere long, I trust, be opened up to civilization under the auspices of the British American Confederation ; * * * * our scheme is to establish a government that will endeavour to maintain liberty, justice and Christianity throughout the land.

" When? " interrupted Mr. Walbridge,

" Very soon," replied at once, Sir Geo. E. Cartier.—(Conf. Debates, p. 86).

Most assuredly, when the walls of the legislative buildings in Quebec were

echoing these sentiments, when the people of Canada through their representatives, were settling their differences in that generous spirit, when they were devising the future of Canada and working for the near annexation of our territories, they could not have had the intention of fomenting in those distant and fertile plains, the discord which had brought Canada to such a gloomy condition that the leaders of the nation were concerned about the stability of British institutions on this soil. Yet, what do we see at present? The spirit of the legislation of the fathers of confederation is violated. After twenty-five years of peace, harmony and prosperity, men who do not know how to love their own country are raising discord, are turning men against men, classes against classes, race against race, creed against creed, exciting hatred against a large portion of the people of Canada whose rights and religious liberties I have here to affirm in this House in the most unequivocal terms. We are brought back, as I have already said, to the same condition that we were in previous to confederation, by the adoption of certain laws relating to education, which the author of those very laws has himself practically declared not more than three or four weeks ago in Winnipeg to be unjust to Catholics and even unconstitutional. Again, the prosperity of Canada and possibly British institutions will be brought to a deplorable state of instability.

The raising anew of those once settled questions is, to my mind, quite unaccountable. It appears the more so when we take into consideration the numerous promises and pledges that were given at the time of confederation and on many occasions since.

Ontario and Quebec were the first provinces to enter into the path of reconciliation and of mutual regard; they were the first to pledge themselves to be tolerant to the minority.

I am exceedingly glad to be able to state here that Ontario, the great province of Ontario, has, up to the present time, faithfully kept its pledges; and let us hope that notwithstanding the recent agitation and clamours, whether they come from any individual or association, the province of Ontario will in the future as in the past, remain faithful to the compact entered into in 1867. It would be to its everlasting honour to pursue such a policy.

Quebec also has kept its pledges, and in its case there have been some peculiar circumstances worthy of remembrance. When the resolutions in respect to confederation were discussed at Quebec, the minority of that province expressed a fear that they were not sufficiently protected, especially in educational matters, against the possible encroachments of the majority. They asked for some changes. Their request was acceded to, and the changes asked for were to be embodied in a law. Parliament, however, was prorogued sooner than it had been expected and the bill could not be passed, and again the minority gave expression to their fears. At a subsequent session an attempt was made to pass the bill but unsuccessfully. Then it appears the minority became alarmed, and so jealous were they of what they considered to be their rights, so anxious were they to get protection for the same that they would have refused to enter into confederation had not Sir George Etienne Cartier solved the difficulty. He pledged himself to the minority that as soon as the confederation would be formed, when Quebec would have a parliament of its own, one of its first acts would be to put upon its statute-book the law that they were obliged to drop on that day.

The Protestant minority accepted these promises, feeling confident that such a solemn promise would be observed, and the pledge was effectually redeemed. The Legislature of Quebec passed the law promised by its chieftain for the protection of the minority. Although there was no written law binding them, the people of Quebec did not try to evade their responsibility, they did not take the matter before the courts, they acted honourably and in good faith; they redeemed the pledges given on their behalf.

I will ask you, hon. gentlemen, and ask the country to compare the noble conduct of that Catholic province with the conduct of some politicians of our own days.

Let us come now to my own province and to the North-west Territories. To the Catholic minority there, solemn pledges were also given. In the first place, we have the right to rely on the general promises of protection contained in the federal constitution as explained during the debates on the resolutions placed before the Parliament of old Canada in 1865. Then fears were entertained and vigorously expressed by the opponents of the measure as to the condition in which the

minorities might afterwards find themselves. But it was repeatedly said that all through confederation, and for all time to come, the minorities would receive protection and be accorded the free and full enjoyment of their language, and especially of their religious institutions and liberties. Why! Confederation was conceived and passed and adopted expressly with that view! In support of this proposition, I am able to quote the words of an hon. member of the old Legislative Council, the Honourable Mr. Christie. He said :

> We had reached a condition almost bordering on anarchy * * * It is a cheering fact that in the midst of this state of things we have found men patriotic enough to merge former differences and unite together for the purpose of framing a constitution which will secure exemption from the evils under which we have laboured.—(Conf. Debates, p. 212.)

The sentiments expressed in these words by the hon. gentleman were the sentiments of the whole country.

But I have just said that protection to the minority had been promised, and this I must prove. Here again I am in a position to quote the language of some of the then members of the Executive Council, who went so far as to emphatically declare that in case of injustice the federal authorities would interfere.

Here are the words of Sir Etienne Taché then the Premier of Canada. In the quotation I am about to make, the hon. gentleman is speaking with regard to the Protestant minority, but it is obvious that these words are applicable to the Catholic minority as well :

> If the lower branch, of the legislature, said Sir E. Taché, were insensate enough and wicked enough to commit some flagrant act of injustice (I desire to remark here that Sir E. Taché does not limit his declaration to acts within the constitution, he speaks of any act of injustice) If the lower branch of the legislature were insensate enough and wicked enough to commit some flagrant act of injustice against the English Protestant portion of the community, they would be checked by the general government. But the hon. gentleman argues that that would raise an issue between the local and the general governments. We must not, however, forget that the general government is composed of representatives from all portions of the country—that they would not be likely to commit an unjust act—and that if they did so, they would be met by such a storm of opposition as would sweep them out of their places in a very short time. (Conf. Deb., pp. 236-7.)

On the other side of the House, Sir A. A. Dorion, the leader of the Liberal party in Lower Canada, spoke in the same strain :

> I think it but just that the Protestant minority should be protected in its rights in every thing that was dear to it as a distinct nationality, and should not lie at the discretion of the majority in this respect.—(Conf. Debates, p. 250.)

Sir Narcisse Belleau also said in answer to an objection, and in speaking of the minorities :

> Their religion is guaranteed by treaties ; they will be protected by the vigilance of the Federal Government, which will never permit the minority of one portion of the confederation to be oppressed by the majority.—(Conf. Debates, p. 184.)

A few moments before, the same gentleman had said :

> Even granting that the Protestants were wronged by the Local Legislature of Lower Canada, could they not avail themselves of the protection of the Federal Legislature? And would not the Federal Government exercise strict surveillance over the action of the Local Legislatures in these matters? Why should it be sought to give existence to imaginary fears?—(Conf. Debates, p. 183.)

No clearer words could disclose the true spirit of our constitution, and I quite understand that the solicitor general of the time, the Honourable, now Sir Hector Langevin, could say :

> The basis of action adopted by the delegates in preparing the resolutions was to do justice to all—justice to all races, to all religions, to all nationalities, and to all interests.—(Conf. Debates, p. 368.)

As I have already said, these utterances were to apply to all parts of confederation, as it might ultimately be composed.

> "I say," declared the leader of the government then, "I say without hesitation, that what will be done for one portion of the country will also be done for the other portions—*justice égale distributive.*"—(Conf. Debates, p. 344).

I hope I have succeeded in completely demonstrating the proposition which I have enumerated, namely : that in the course of the debates on the confederation measure, definite pledges were given for the protection of the minorities, and that those pledges are applicable to the whole North-west, inclusive of Manitoba.

But more distinct and special promises have been made. These promises came from different authorities, and first of all, from the Imperial authorities.

In a despatch from Lord Granville to Sir John Young, the Governor General of Canada, we note these words :

> That the old inhabitants of the country will be treated with such forethought and consideration as

may preserve them from the dangers of the appr aching change.

The change took place, but, as you are aware, amidst many unfortunate circumstancies. Thus it came that the Governor General had to issue a royal proclamation, in which these words are to be found :

By Her Majesty's authority I do therefore assure you that on the union with Canada, all your civil and religious *rights* and *privileges* will be respected, your *property assured* to you, and that your country will be governed as in the past under British laws, and in the spirit of British justice.

This proclamation applied to Manitoba and the North-west as a whole. Because, then the distinction between Manitoba and the North-west did not exist. Both formed only one immense territory, the annexation of which was referred to in that proclamation. This view is confirmed by the following words which I read in a letter of February 16, 1870, from Sir John Young to His Grace the Archbishop of St. Boniface :

The Imperial Government, as I informed you, is earnest in the desire to see the *North-west territory* united to the Dominion on equitable conditions.

And what were these equitable conditions ? The same letter gives us the meaning of those expressions :

The Imperial Government has no intention of acting otherwise than in perfect good faith towards the inhabitants of the North-west. The people may rely that respect and attention will be extended to the different religious persuasions ; that title to every description of property will be carefully guarded, and that all the franchises which have subsisted, or which the people may prove themselves qualified to exercise, shall be continued and liberally conferred.

After the transfer of our vast plains had been made to Canada, after the province of Manitoba had been formed, then came the laws of this province of Manitoba. The first enactment of the legislature was to legislate according to the above promises. Our rights and privileges were recognized. And in coupling this immediate legislation with the seventh clause of the Bill of Rights providing for an equitable division of the money in matters of education between Protestants and Catholics, we have the best and the surest construction of the Manitoba Act. It was a practical interpretation given, whilst everything was fresh in the minds of all, and when no dissenting voice could have been heard. And this practical interpretation has stood for twenty years.

That was the first pledge given by the province. It was not the only one, though. I wish here to make known to this honourable house, a page of history full of interest. The legislature of Manitoba gave to us another pledge under circumstances very similar to those under which Sir Geo. Cartier gave his pledge to the Protestants of Quebec—with this objectionable difference, however, that it was afterwards disregarded.

During the administration of Mr. Mackenzie, the Local Government of Manitoba came to Ottawa for better financial terms. Mr. Mackenzie was not willing to help the province at the time except on condition that the province would abolish its Legislative Council, then a part of the legislative machinery. Our Manitoba pilgrims went back to Winnipeg, and made the proposition to their colleagues. The Legislative Council could not be abolished without the co-operation, and, in fact, the consent of the Catholic representatives of the province, who felt at once that it was for them a most serious action to take. The Legislative Council was considered as their safeguard against any future aggression upon their rights and privileges. An appeal was made to their intelligence and patriotism. And at last, for the sake of the provincial interest at large, they did consent and by their action assured the improvement of the financial condition of the province. As soon as the vote had been registered, a most interesting parliamentary scene took place. The generosity of our representatives on this occasion, the public spirit exhibited by them, and their expressed confidence in the loyalty of their English and Protestant countrymen had made a deep impression on the minds of their fellow-representatives, and one of these immediately arose, and amidst the enthusiasm of the moment, and on behalf of the English and Protestant population, on behalf of the province, he eulogized the Catholic and French population, and pledged his people and the province that the rights and privileges of the Catholics would never be interfered with, and for doing so he was cheerfully applauded by the whole House. That man was Mr. Luxton, who is still living, and was then a prominent member of the legislature. He at least, I must say, used his best efforts to have this pledge faithfully kept, and I am happy to send to him from my seat in Parliament the expression of the gratitude of the people whose rights he has so vigorously defended.

But I am sorry to say that, unlike the province of Quebec under similar circumstances, our province of Manitoba, as a whole, has failed to honour itself as did the old province on the banks of the St. Lawrence, and since 1890 we have been deprived, by the will of the legislature, notwithstanding that solemn pledge, of our most cherished rights and privileges, our schools and the official use of our language.

I have seen it stated in the public print that delegates of the North-west are here for better terms. If that is so, there is, in the action of Mr. Mackenzie, in connection with the Manitoba Legislative Council, a hint for us all. Conditions might also be imposed upon the North-west delegates before their request be granted. Everybody may understand what, in my humble opinion, these conditions should be.

I now come to another pledge given in a most remarkable way, and under most interesting circumstances. But here I beg leave to read from a speech made a year ago, in the Manitoba Legislature, by a prominent member of the Liberal party in our province, —Mr. Fisher—who was at the time, when the pledge was given, the president of the Liberal Provincial Association in Manitoba:

I now desire to speak of a delicate matter, which may be somewhat distasteful to some who hear me, but I am bound to tell the truth, even if it may offend some. I make the grave charge that this school legislation was put upon the Statute-book of this province in defiance of the most solemn pledges of the Liberal party. In January of 1888, an event occurred which brought the Liberals into power in this province. My hon. friends had for years been engaged in an effort to defeat the Norquay Government in which I helped them all in my power.**** The crisis came when the St. François-Xavier election took place at the time I have mentioned. Dr. Harrison was at that time premier of the province, and he chose as his provincial secretary Mr. Joseph Burke, who though he bears an Irish name, is really a French Canadian. He was living among his own people in the district of St. François-Xavier, and had been elected a member of this House in 1886 by acclamation. On accepting office he went back for re-election. It was proposed that we should oppose him, though for myself I thought it was useless. Mr. F. H. Francis, an English speaking Presbyterian was asked to take the field against Mr. Burke in this French constituency. He could not possibly be elected unless he got a large proportion of the votes of the French population. Without this, I say his election was an absolute impossibility. Now I state, on information and belief, that Mr. Francis, when consulted by leading members of the Liberal party and asked to accept the nomination, said he would not accept unless empowered to give the electors a pledge that if the Liberals got into office they would not interfere with the institutions of the French, their language or their school laws. I am informed that he was authorized to make that promise, that he went to the electors and gave them the pledge. I did not know that of my own knowledge, but I knew from the newspaper reports, and from information brought to the Winnipeg Liberals, that strong speeches were being made by Mr. Burke and his friends in the riding, calling upon half-breeds and French Canadians to vote against the Liberal candidate, on the ground that Liberals would likely pass laws interfering with their institutions. It was said, "are you going to put into power people, who, when they get into office, will legislate away your school and your language," and the electors were appealed to to oppose Mr. Francis for that reason. This became practically the leading question of that campaign, and the contest was a crucial one. Should the Liberals win, it was plain, in the view of the losses sustained by the Government, that they must resign. So that the success of the Liberal candidate meant that the party would at once attain power, while the election of Mr. Burke would almost certainly have insured the continuance of the Liberals in opposition till this day. It became necessary for the party leaders, therefore, to meet this appeal to the religious and race feelings of the French and half-breed voters, the pledge given by Mr. Francis appearing to be insufficient to satisfy them. Now the Liberals had a defined platform.**** The idea of interfering with rights guaranteed, or supposed to have been guaranteed, by the constitution, had never been suggested. On the contrary, it had frequently been pointed out on the public platform by Liberal leaders that these institutions were protected.**** When the question about the Liberal policy became so prominent and urgent in St. François Xavier I was consulted with others about it, and Mr. Martin was asked to go out and assist the candidate. I was told that he went out and attended the meeting, and I was told of promises he had publicly made, which were, to my knowledge, in accord with what was intended he should make. I went with him myself to a second meeting. It was a large gathering mainly composed of French and half-breed Catholics. The same charges were made by Burke as to what the Liberals would do if in office. The same appeals were made to his countrymen and co-religionists to defeat Mr. Francis for that reason. Mr. Martin in a powerful speech, denounced the statements of Burke and his friends as false. He told the meeting that it had never been the policy of Liberals to interfere with the language or institutions of the French Catholic population, and he appealed to them to trust the Liberals, and to support their candidate. At that time I was president of the Provincial Association of Liberals, and Mr. Martin referred to my presence at the meeting, and said I could put him right if he was wrong. He went further, and not only said Liberals had no idea of interfering with these institutions, but gave a positive pledge in the name of the Liberal party, that they would not do so. I have always thought that the movement to establish the present school law, abolish all Catholic schools, against the strong protest of the minority was, under the circumstances, and in the face of that promise, a gross wrong. Personally I made no promise, but I felt as much bound by the pledge given as if I had given it my-

self.**** I know that Mr. Greenway, the Premier, was a party to the giving of that promise.**** I say that the pledge was given in the name of the Liberal party, for a party purpose, and that it did bind them under the circumstances in which it was made. Without that promise the party could not have carried that election, and by that election alone they attained to power. That power was obtained on the faith of that solemn pledge, and it was the Liberal party, as a party, that benefited thereby, and that accepted power and took advantage, for that purpose, of the votes given on the faith thereof.**** I think we made a mistake and that we ought to retrace our steps and do what is right in this matter.

These pledges, publicly given to the Catholics of Manitoba under the circumstances above referred to, were renewed by Mr. Greenway, in his official capacity as the Premier of Manitoba. When he was forming his Government, he went to St. Boniface, and with the knowledge and consent of the leaders of his party, he promised His Grace, Mgr. Taché, through the Vicar General of the Archbishop, that his Government would not interfere with the rights and privileges of the minority in so far as their language, their schools, and their electoral divisions were concerned. And in evidence of this new pledge, I will read brief abstracts of two solemn declarations given, the first by the Vicar General, and the other by Mr. Alloway, then a political friend of Mr. Greenway :

The Hon. Mr. Greenway then stated to me that he had been called to form a new Government in this province, and that he was desirous to strengthen it by taking into his cabinet one of the French members of the legislature who would be agreeable to the Archbishop, whereupon I remarked that I did not think that His Grace would favour any French member joining the new administration unconditionally and without any previous understanding as to certain questions of great importance to His Grace. Mr. Greenway replied that he had already talked the matter over with his friends and that he (Mr. Greenway) was quite willing to guarantee, under his government, the maintenance of the then existing condition with regard.

1. To separate Catholic schools.
2. To the official use of the French language.
3. To the French electoral divisions.

* * * *

On the following morning, in pursuance of the appointment so made, I attended at the office of Mr. Alloway in Winnipeg, and then again met the said Hon. Thos. Greenway, and I then communicated to him the message of His Grace, so intrusted to me as above set out, and Mr. Greenway then expressed to me his personal gratification at the said message and attitude of His Grace, and he then assured me that faith would be kept by his Government with His Grace ; and then again, and in specific terms repeated to me the assurances that :—

1. The Catholic separate schools.
2. The official use of French language.
3. The number of French constituencies would not be disturbed during his administration.

I had promised not to violate the confidence of the Hon. Mr. Greenway, by disclosing the particulars of said promises and assurances by the said Mr. Greenway on the floor of the Legislature notwithstanding that he had violated the terms of same before that time, and but for such open denial by him of such promises and his misstatements of what took place, I would not have felt at liberty to now disclose the same.

Mr. W. F. Alloway was present at his office during the second interview with said Hon. Thos. Greenway, as above set out.

The following is the affidavit of Mr. Alloway :

I, William Forbes Alloway, of the city of Winnipeg, in the county of Selkirk, banker, do solemnly declare that I have seen and read the statutory declaration of the Very Rev. Vicar General Allard, made before Alex. Haggard, a Commissioner of the B. R., etc., on this first day of April, A.D. 1892, and I say that I was present as therein stated by him, and I did on said first occasion introduce the Hon. Thos. Greenway to the Vicar General, and I say that the account of said interview, as set out in said declaration of the Vicar General, is true in substance and in fact.

I was present at the whole of the said interview and heard all that transpired between the Vicar General and said Thos. Greenway.

I further say that I was present at my banking office on the following day when the Vicar General and the said Hon. Thos. Greenway met according to appointment made the day previous, and I heard most of the interview that took place between them on that second day, and I say that the promises and pledges as set out in the Vicar General's said statement were repeated on the said second interview, and the said Greenway then expressed himself as very much gratified with the attitude assumed by His Grace the Archbishop, towards his Government, and expressed such satisfaction not only then, but in my presence afterwards.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act respecting extra-judicial oaths.

This is the history of the whole transaction and the origin of our troubles—no public good in view, but mere party advantages. Now, turning our eyes to the North-west Territories, I say that the pledges given in the name of Her Majesty, pledges to which I have referred above, should be sufficient to protect her loyal subjects, the Catholic population, against any encroachment upon their liberties. But there is something more. We find another pledge, we find a distinct agreement between the people of the North-west and this Dominion in the Act of this Parliament sanctioned in 1885. Section 14 of said Act declares in no uncertain terms the rights of the Catholics to their

schools. Yet, you will see by the papers which will be produced on this motion, that the legislature of the North-west has respected neither the pledge nor the agreement. You will see that their recent legislation is simply an evasion of the law, thus adding derision to wrong.

I have now explained to you some of the circumstances under which our province and the north-west became part of the Dominion. You have in a brief form, some of the pledges that were given for the protection of the minority; you know the actual condition of things, and from all that you may well imagine why we are to-day so seriously aggrieved and you will forgive us if we vent our sentiments. The provincial pledges, the federal pledges, the imperial pledges themselves and all the most solemn agreements have been disregarded, and a large proportion of Her Majesty's subjects are subjected to the most iniquitous injuries, against the peace and prosperity of the country, to the damage of its good renown, and for what? Only to get, as has been said by Mr. Fisher, party advantages; I know that some other reasons are given, but they do not bear examination.

It is not, perhaps, the proper time to go fully into these objections. With the kind permission of the House, I will briefly refer to them in order to elucidate the situation, and with the hope of dispelling some misapprehensions. In the first place I may mention the reproach very frequently made against our schools of not being adequate to the requirements of modern education. In answer to that let me simply read to you the programme of our schools:

1. Religious instruction in the child's language.
2. Reading.
3. Spelling. } In French and English.
4. Grammar and analysis. }
5. Composition.
6. Penmanship.
7. Linear drawing.
8. Calculation, arithmetic, mensuration and algebra.
9. Bookkeeping, single and double entry.
10. Geography of all parts of the world.
11. Sacred history, history of Canada, England and France.
12. Good behaviour, politeness and becomingness.
13. Vocal music.
14. Useful knowledge, from the most rudimentary to the elements of physics, chemistry, agriculture and astronomy.
15. For the girls, domestic economy, sewing, embroidery, etc., etc.

Is not this programme sufficiently comprehensive for a primary school? I do not hesitate to say that most of the unprejudiced experts in pedagogics would look at this programme as one which could not be extended without danger of overturning into cramming, the most disastrous system for the health and the intellect of the child.

Moreover, allow me to state that at a provincial exhibition held at Portage la Prairie, in Manitoba, our schools got a diploma for general excellency. Allow me to state also that at the London Colonial Exhibition, eleven of our schools sent exhibits, which were the ordinary work and exercises of the schools, and the result was that medals and diplomas of merit were awarded to nine of those eleven schools. And the character of our exhibit at the Chicago Fair should not be ignored. There, by friends and foes, by English, French and German visitors, by the United States educationists, by our own people, by experts of all countries, and finally by the official judges in that section, the Catholic school exhibits have been proclaimed to be in the front rank of the educational display of the whole world. Surely this evidence should receive the utmost consideration, and at least should cause the enemies of our institutions to pause before allowing their hostility to go so far that the word injustice is not too strong to qualify it. The statement has also been made that our schools were church schools, and under the control of the hierarchy.

This is altogether a misapprehension. There has not been for years any such things in Canada as church schools, in so far as primary education is concerned; except, however, in mission countries where no other schools can be had. In Manitoba especially, our schools were purely public schools in every sense of the word, like the other schools then in existence in the province. They were not controlled by the church but by the parents. They existed by virtue of the same law and under exactly the same conditions as the schools attended by the Protestant children. The only things which were subject to the approval of the church authorities were the books in connection with religious and moral instruction. Surely this cannot be refused to the church, which is the proper authority in the matter, and the state instead of objecting to that should, on the contrary, be thankful to the church for its care—because high and sound morals constitute a

blessing to the state in all its civil and political manifestations.

In fact, in all our contentions, what we claim is not church schools, but parental schools.

It is the duty of parents to care for their children, and to educate them. Since it is a duty they must have the right of accomplishing that duty. It would be an absurdity, a derision or a tyranny to tell me that I am bound to perform a certain duty, and at the same time to put in my way such obstacles as would take from me the liberty or the possibility of performing the same. The State cannot interfere to curtail the rights of the parents. But it can undertake to assist the parents in their duty. Neither the church nor the parents have ever refused to the state its legitimate interference. Everybody is in accord in wishing a large and intelligent diffusion of knowledge. Taking into consideration the circumstances surrounding modern communities, the church and the parents admit the assistance of the state in that noble work. They admit that the State has an interest in the education of the people. They admit that the State has a right to see that the assistance given is not misapplied, they admit that the State has a right to exact a full compensation in the form of knowledge, outside of religious instruction, for the money they hand over to the parents to help the latter in the fulfilment of the duties imposed upon them by nature and their religious convictions. As a matter of fact, they only retain practically now-a-days the right of guiding the morals of their children and of teaching them how to worship their God upon this earth. Thus understood, there is no inconsistency in our theory, there is no clashing between the rights of the parents and the right of the State. On the contrary, there is a fruitful and harmonious accord which has its continual and delightful echoes in the hearts of all good citizens and brings them together and contributes to the national unity.

This brings me to the consideration of another assertion. It is frequently heard that in educating the children of all denominations together in the common schools, or in the so-called national schools, harmony would result amongst all classes of the people. The theory may be a laudable one, but facts go against it. By forcing people together against their will, you may form a crowd, a mass, a multitude, but that is not social or national unity. Unity does not consist in uniformity of colour or calling. It rather depends upon a common love for our country, a common devotedness to its interests. Now, we deny to all the right to say that we do not love our Canadian home, that we are not devoted to its best interests. Harmony is desired. Most sincerely we long for the day which will see harmony restored. But cast a look upon the countries where such school questions are raised. Harmony does not exist in those countries. Within our own borders, what do experience and history teach us?

In 1865, and for years previously, no harmony existed, just on account of the same sort of contentions. The leaders of the nation had to declare that extreme discord reigned and that the country was on the verge of anarchy. By the confederation measure those school questions were settled in accordance with justice, and immediately peace and harmony began to reign.

Previously to the raising of these questions in Manitoba and in the North-west complete harmony prevailed there. In evidence of this fact, I will quote from the writings of gentlemen whose testimony cannot in this respect, be suspected:

In 1882, Rev. Dr. G. Bryce wrote a book entitled "Manitoba, its infancy, growth and present condition." In that book he said:

> Lord Selkirk's scheme of perfect religious equality and toleration is that still subsisting in Manitoba. One of the results of this is a friendly feeling subsisting between the different churches. Denominational rancour is one of the greatest hindrances to progress in a new country. It is satisfactory that there is no bone of contention to disturb the prevailing harmony. No church is given any place of precedence, except what its own energy and usefulness to the community at large secures for it.

The following is from a report addressed to the Lieutenant-Governor by Mr. J. B. Somerset, superintendent of Protestant schools, dated 29th April, 1886:

> It is gratifying to all lovers of good citizenship, as well as of educational progress, to note that from the organization of this system of management in 1871, at which period the Protestant schools numbered sixteen and the Catholics seventeen, to the present, there has been an almost entire absence of the friction and disagreement that have marked the progress of education in some of the sister provinces.

I will read another extract from Dr. Morrison, who is now in the lower provinces, but

who at one time lived in the province of Manitoba. I take this extract from a speech of his published in the St. John *Sun*, 26th and 27th February, 1894. He said :

> Throughout all these years, from 1871 until 1888, no complaint was ever made with the workings of the separate school system. No injustice was complained of by anybody in any public manner * * * * There was no Manitoba School question. The people, Protestant and Catholic alike, were perfectly contented with the school system as it then existed ; and the Protestant and Catholic population lived together in peace and harmony, and with perfect satisfaction with the school system as it then was.

Hon. Mr. SCOTT—Who is Dr. Morrison ?

Hon. Mr. BERNIER—He is a Protestant.

Hon. Mr. PERLEY—He is a friend of Mr. Greenway, is he not ?

Hon. Mr. BERNIER—I do not know. Now, can there be any doubt that we were then living in peace and harmony? But now, seek throughout our immense prairies, east and west, and tell me where union is to be found? Our country is in a spasmodic mood throughout, and it will be so until our grievances are equitably and constitutionally settled. No, harmony will not be restored, nor promoted by depriving us of our rights and of our religious liberty. Harmony will not be fostered by forcing us to educate our children in schools to which we object, but mutual regard will do it. Let every one cease to misrepresent our people, our institutions, our sentiments. Let every one cease to cast odium upon us, let every one refrain from spreading all kind of groundless accusations, and especially the undisguised accusation of disloyalty. This is, to say the least, particularly annoying and unfair to us.

I make here, as a Catholic and as a public man, the following statement : We do not owe any civil or political allegiance to the Pope. He is the head of our church, and as such we look on him as the pure fountain of truth with regard to morals and religious doctrine. But he is not, he does not pretend to be, and we do not regard him as our temporal sovereign. I make this statement without any qualification whatever, without any mental reservation, in perfect good faith, and without any apprehension of its being contradicted or disapproved of by any clerical authorities. I go further : Instead of disaffecting the Catholic subjects of Her Majesty against her rule, the Pope commands, and the Catholic doctrine teaches us full and absolute allegiance to our Most Gracious Queen, to her successors and to the British flag. Facts are in accord with the doctrine. And to prove what I say, I have only to refer to the daily behaviour of Catholic people and to Canadian history. Were it possible for those who are constantly arraigning the Catholics to attend our religious services, they would see every Sunday the Catholic people kneeling before the altar and publicly praying the Almighty to bless and to save our gracious Queen. Going back to the time of the American revolution, what do we find ? It was only a few years after the surrender of New France to England ; there were still living people who had seen the white flag floating at the top of the Quebec citadel and who had fought under it. Lafayette made his voice heard amongst us. He urged our forefathers to join in the rebellion against British rule. That was a French voice, and it sounded like the trumpet of liberty, yet it had no echo. We listened to another voice—the voice of the Catholic Church. Bishop Briand, of Quebec, reminded his flock of the duties of a loyal people, and we remained faithful to our new masters. Again in 1812 and 1813, our southern neighbours marched against Canada. But again also the voice of the Catholic Church was heard. The great Bishop Plessis, the same who, on the request of Lord Selkirk, sent missionaries to the North-west to help that good Presbyterian to establish a colony under British rule, sent a pastoral upholding the rights that England had to our allegiance, and urging our militia to go to the front, and to the front we went, under the command of the illustrious de Salaberry. We saved Canada to England, as we had saved it some 35 years before. Yes, on these two occasions we upheld the British honour and the British flag. Had we joined the rebels of the thirteen colonies, England could not then have saved Canada any more than she could Boston and the surrounding states, and the British power would then have sunk for ever on this continent. In support of these ideas allow me to quote a remarkable paragraph which is to be found in a letter of Lord Nugent, published in 1826 :

> Canada, which, until you can destroy the memory of all that now remains to you of your sovereignty on the North American Continent, is an answer

practical, memorable, difficult to be accounted for, but blazing as the sun itself in sight of the whole world, to the whole charge of divided allegiance. At your conquest of Canada, you found it Roman Catholic: you had to choose for her a constitution in Church and State. You were wise enough not to thwart public opinion. Your own conduct towards Presbyterianism in Scotland was an example for imitation; your own conduct towards Catholicism in Ireland was a beacon for avoidance; and in Canada you established and endowed the religion of the people. Canada was your only Roman Catholic colony. Your other colonies revolted; they called on a Catholic power to support them, and they achieved their independence. Catholic Canada, with what Lord Liverpool would call her half-allegiance, *alone* stood by you. She fought by your side against the interference of Catholic France. To reward and encourage her loyalty, you endowed in Canada bishops to say mass and to ordain others to say mass, whom, at that very time, your laws would have hanged for saying mass in England: and Canada is still yours in spite of Catholic France, in spite of her spiritual obedience to the pope, in spite of Lord Liverpool's argument, and in spite of the independence of all the States that surround her. This is the only trial you have made. Where you allow to the Roman Catholics their religion undisturbed, it has proved itself to be compatible with the most faithful allegiance. It is only where you have placed allegiance and religion before them as a dilemma that they have preferred (as who will say they ought not?) their religion to their allegiance. How then stands the imputation? Disproved by history, disproved in all states where both religions co-exist, and in both hemispheres, and asserted in an exposition by Lord Liverpool, solemnly and repeatedly abjured by all Catholics, of the discipline of their Church.—Lord Nugent's letter, pp. 35, 36.

Have those sentiments and conditions undergone any change in the latter part of this century? To any one having doubts on this matter I am in a position to point to the action of our missionaries in the far west, in that very portion of our territory whence the troubles come.

In 1869-70, a first insurrection arose in the North-west. Archbishop Taché was in Rome attending the solemn deliberations of the Vatican Council. You may well imagine, honourable gentlemen, what a source of delights it was for an old christian missionnary to be in the Eternal City at a time when bishops from all parts of the world were gathered there in the interest of their church. Yet, as soon as the Canadian and Imperial Governments had expressed their earnest desire of availing themselves of his services for restoration of peace and of the legitimate authority, he went at once to the Holy Father, who, in giving him the necessary dispensation, blessed him, blessed the mission that he had just accepted from the civil authority, and blessed also the flock of the old bishop, but that flock he blessed only on condition that they were to listen to the Bishop's advice, to go back to their homes and live in peace and charity under our flag. Finally the old Bishop left Rome and returned to his own country. In Ottawa he met the Governor General who remitted him a letter in which we read these significant words:

> I am anxious to express to you, before you set out, the deep sense of obligation which I feel is due to you for giving up your residence at Rome * * * and undertaking in this inclement season the long voyage across the Atlantic, and long journey across this continent for the purpose of rendering service to Her Majesty's Government, and engaging in a mission in the cause of peace and civilization. Lord Granville was anxious to avail of your valuable assistance from the outset, and I am heartily glad that you have proved willing to afford it so promptly and generously.

After he had received his instructions the Bishop proceeded to the North-west, and peace was restored, and the dignity of the Crown upheld. Does this resemble anything like divided allegiance?

In 1885, at the time of the second rebellion, the Church again, by its missionaries, was the main influence which kept in peace the majority of the inhabitants. The following is a re-translation from a French translation of an article in the *Evening News*, of Winnipeg:

> When the whole of Canada feared and trembled to see the Blackfeet side with the rebels, who firmly stood before them? who prevented them from rushing upon us? Was it the Canadian Government or the forces of the empire? No, the poor, humble and devoted Father Lacombe was the man who did so? To him the Canadian mothers owe their thanks for not having to-day to mourn their sons; to him, many happy wives to-day owe their gratitude for not having to sob over the tombs of their husbands. Lacombe and his companions, the Fathers André, Fourmond, Cochin, and other brave soldiers of the Cross, did not hesitate; they went and faced the deadly weapons; they threw themselves between the Indians and the Canadian people, at a time when danger was extreme, and they prevented the shedding of blood and saved millions of dollars to the public treasury.

Prevented shedding of blood and saved millions to the treasury! and for that blood and for those millions of dollars which have been spared to the country, these very men, and their flocks, in the very field of their labours and services, are now accused of dividing their allegiance, of refusing to work in harmony and for the interest of their country, they are tracked as helots, they are ostracised in their own country which they

have so bravely and so devotedly served, and their vested rights are confiscated! That is their reward, and by whom has that mischief been done? By some who have themselves been saved from the fury of the Indians, and by some others, new comers, young men, inexperienced young politicians, full of presumption but forgetful of the services of those who have kept the country for them and prepared their bright future and their lovely homes. Shall Canada be a party to that questionable gratitude?

In vain the opponents of our Catholic schools try to misguide public opinion by appealing to national sentiment and by styling their system a national one. In a christian country no others than christian schools can be called national schools. To call national a system of atheistic schools in a country where christian rule obtains, would be a misnomer. As a matter of fact, the struggle is not between the different christian denominations, but between christianity and atheism, and we are fighting the battle of christianity. Speaking in the House of Lords in 1891, in connection with the Australian schools, the Duke of Argyll —a Presbyterian, if I am not mistaken— testified to this sincere and fundamental feature of our action in the following words:

> The Catholics had the high honour of standing alone and refusing to pull down in their schools the everlasting standard of conscience. This resistance on the part of the Roman Catholics, I believe, may be the germ of a strong reaction against the pure secularism, against which I venture to call the pure paganism, of the education of the colony.

But leave aside, if you will, that aspect of the question, what remain with the partisans of secularism! A mere theory! Now, with us it always remains a matter of conscience. Then which view should give way? Is it conscience that should give way to theory, or is it not rather theory that should give way to conscience? It seems to me that the answer cannot be doubtful. Allow me, hon. gentlemen, to urge upon your consideration the lesson that was given in antiquity by a man who still enjoys after centuries an uncontested reputation for wisdom. Solon, the Athenian legislator, was asked one day whether the laws that he had given to his people were the best laws that could be devised. "I may not have given to the Athenians," he replied, "the best laws that could perhaps be made, but I have given them the best laws that could be applied to them." This is an answer worthy of our consideration. It shows that our duties are not to make the people for the laws, but to make the laws for the people. It reminds me of a few words of the late Hon. Alex. Mackenzie, speaking on the school question. He said:

> For many years after I held a seat in the Parliament of Canada, I waged war against the principle of separate schools. I hoped to be able—young and inexperienced in politics as I then was—to establish a system to which all would ultimately yield their assent. Sir, it was found to be impracticable in operation and impossible in political contigencies.

I am now coming to a close. I have brought to your recollection the condition of the country previous to confederation. I have laid before your eyes the noble example given by the fathers of confederation in rising above their political divisions for the sake of getting their country out of the existing discords, and of replacing it in the path of harmony and prosperity; I have pointed out the spirit in which our constitution was framed; I have recalled the pledges that were given to the minorities in all parts of the Dominion, including Manitoba and the North-west, for the protection of their rights and usages; I have thought it my duty to call your attention to the unwarranted way these pledges have been violated; I have tried to dispel certain misapprehensions which seem to exist in the minds of many. Now, let me impress upon your mind the difficulties which are in store for us, if we do not settle in an equitable and constitutional way the burning and irritating question which has been forced into our political controversies.

There is no use of trying to evade our responsibility. Sooner or later we will have to face the difficulties. The Catholics of the whole Dominion will follow the matter from step to step; if necessary they will take their case to the Imperial Government and even to the foot of the Throne; our children and their mothers will send their prayers to our beloved Queen, who has honoured the throne not only as a Queen and as a woman, but also as a mother. In my humble opinion both parties are under peculiar obligations with regard to these questions and their solution. There is a binding obligation upon the administration of the day on account of their being in office and of the responsibility they are under for the good

government of the country. The Opposition are also bound—and here I beg to remark that I do not speak in a spirit of antagonism—the Opposition are bound on account of the initial action of their friends and political associates in Manitoba. In the latter province the Reform party is the cause of all the existing discord and mischief. For party advantages they have violated in an unworthy way their promises and pledges. As Mr. Fisher has said, "they have made a mistake ; they ought to retrace their steps and do what is right," and their political friends here are bound to use their ability and influence for the repairing of the ruin made by their party in Manitoba. That is their special responsibility. There is a common responsibility on both sides in Parliament. The Canadian Parliament, as a whole, is the custodian of the honour and dignity of the country. Now, for four years the public good faith, the honour of the country has been in jeopardy ; it is our common duty to put an end to such a situation.

Under those circumstances, is it too much to expect that both parties should, for once, join hand in hand, and provide an equitable settlement of our grievances? Is it too much to hope for a repetition of what took place at the time of confederation? Then the party leaders joined together for the sake of the harmony, prosperity, and stability of British institutions. The difficulties they had to face then are meeting us to-day, and I feel confident that the statesmen at present at the head of the two great parties in this Parliament would not consent to take an inferior rank in intelligence and patriotism? This time our present regime cannot be changed. We have to solve our difficulties by the application of the true principles of the constitution with a firm determination of carrying out in all fairness the rules of equity to all as laid down in the debates on confederation in 1865, and according to the subsequent pledges and agreements. In my humble opinion, the future of the country lies in the gradual and normal development of confederation under the rules of justice, toleration, liberty, and fair play, and in the honest redemption all over the land of such pledges as those outlined in these words of Sir John Rose :

> We trusted each other when we entered this union ; we felt that our rights would be saved with you ; and our honour and good faith and integrity are involved in and pledged to the maintenance of them.

Unless we act in the spirit of these utterances, unless that trust is faithfully and honourably kept and carried on in accordance with the well known agreements entered into, and of the true spirit of the constitution, unless the dignity of the Crown is maintained by the prompt and unequivocal redemption of the pledges given on its behalf, no one can say that the future historians will not have to relate the failure of confederation, in so far at least as are concerned its ability and power to check injustice and to protect the minorities whose rights and privileges have been intrusted to the loyalty and generosity of the majority. But to those who would like to prevent such an unfortunate issue, to those who generously, sincerely and loyally desire to join with us to maintain this confederation, to uphold its integrity, to foster and increase its prosperity, to maintain peace and union between all the different classes which compose the people of this Dominion, to assure the stability of Canadian and British institutions on this soil, to those we gladly and cheerfully say : "Tender us your hands, here are ours."

Hon. Mr. SCOTT moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6.10 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, 4th April, 1894.*

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## THE DOWNEY DIVORCE CASE.

REPORTED FROM COMMITTEE.

Hon. Mr. GOWAN, from the Committee on Divorce, presented their first report relating to the Downey Divorce case. He said : It was found impossible to effect personal service on the respondent in this case. Efforts were made to bring the matter to his notice by serving members of the family, who were

supposed to be in communication with him—by advertising in the papers and otherwise endeavouring to discover his whereabouts. It was found impossible to serve him personally and, under the circumstances, we consider the service sufficient. I propose to move the adoption of the report presently.

Hon. Mr. POWER. I hope the Chairman will have no objection to allowing the report to stand over until to-morrow.

Hon. Mr. GOWAN. None whatever. I move that the report be taken into consideration to-morrow.

The motion was agreed to.

## THE MANITOBA SCHOOL QUESTION.

The Notice of Motion being read,

That he will call the attention of the Senate to certain promises made and certain engagements solemnly undertaken, at and in respect of the Confederation, but before its adoption, upon various subjects and particularly upon the question of education; also to the non-performance of these engagements; and to the difficulties which exist at the present time and those which have existed at various times since the Confederation became an accomplished fact, difficulties which are the consequence of these violations of promises and engagements.

And that he will inquire of the Government whether it proposes to take the necessary steps to remedy these difficulties and to render justice to that class of Her Majesty's subjects who suffer from these violations of promises.

Hon. Mr. BELLEROSE said: On Monday last I said that I would give way to the hon. member from St. Boniface, and after hearing his speech, I would decide whether I should go on with this motion or not. The speech of the hon. gentleman yesterday leaves very little for me to say on this question, at the present time at all events, and nothing of great importance. I may, on some future occasion, refer to this matter again, but I have no present intention of doing so, and I therefore ask the House to allow the motion to drop.

The notice was dropped.

## MANITOBA AND NORTH-WEST SCHOOL ACTS.

DEBATE CONTINUED.

The Order of the Day being read,

Resuming the adjourned Debate on the motion of the Honourable Mr. Bernier:—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all school ordinances, school regulations and amendments thereto, adopted by the Legislative Assembly, the Executive, and any Board or Council of Education, in reference to the establishment, maintenance and administration of schools in the North-west Territories since 1885;

Also for copies of all petitions, memorials and correspondence in reference thereto;

Also, for copies of all reports to the Governor General in Council and all communications and representations to the authorities in the North-west Territories.

Hon. Mr. SCOTT said: The subject referred to in the motion made by the hon. senator from St. Boniface is one which has excited a good deal of attention, not alone in Manitoba and the North-west, but over all parts of this Dominion. A very considerable body of Her Majesty's subjects feel that a right which they considered had been effectually secured by the British North America Act and by subsequent legislation has been rudely withdrawn and as hon. gentlemen are aware the subject is now being discussed through the public press and is likely to be discussed in another branch of the Parliament. The attack on the Manitoba separate schools has been successful. The school system that had been guaranteed by the Act under which Manitoba came into the union has been swept away. The guardians of the rights of the minority seemed powerless, apparently, to counteract the movement. Emboldened by the success there, the same process, to a very nearly equal degree, was attempted and I am sorry to say has been partially successful in the North-west. Those who are opposed to what is known as the system of separate schools, further emboldened by the repeated successes that have attended the efforts of those who are so intolerent as to oppose the existence of those schools, have now attacked the citadel in Ontario. As hon. gentlemen are probably aware, a bill has already been introduced in the Legislature of Ontario having for its object the crippling of the school system in that province so far as the rights of the minority are concerned. Under those conditions and circumstances it requires no apology from me if I go at some considerable length into this subject in order that hon. gentlemen who are perhaps not familiar with this question may be fully advised of the present condition of the subject. Before doing so, however, I think it is due to the hon. Senator from St. Boniface that I should offer him

my congratulations on the admirable speech to which we were treated yesterday afternoon. I am sure it will be admitted that he took a calm, dispassionate view of the subject. He might be pardoned for exhibiting some degree of heat, coming as he did from the province where the rights of the minority have been so flagrantly violated as in the case to which he so fully referred. There are a number of points not covered by the observations and speech of that hon. gentleman yesterday, to which I shall feel it my duty to call the attention of this House, satisfied that the calm judgment of all fair-minded men will go with me in the conclusion that I have reached, that a gross breach of the constitution has been perpetrated. As a preliminary it is necessary that we should understand the condition of things that existed anterior to Manitoba's coming into the Union. As hon. gentlemen are no doubt aware, the settlements in the North-west were largely made in the first instance by French-Canadians and it is on that account, probably, that our French-Canadian friends from Lower Canada feel more keenly on the subject than the minority in any other province of the Dominion. Contemporaneous with the advent of the missionaries and with the civilization of the Indians, schools were established, and we have records at a very early date of the existence of those schools, and when Lord Selkirk's settlers went into that country they followed the example of the Catholic missionaries and established denominational schools in connection with their churches. So far back as 1825, so marked were the advantages already derived from the education given by the Catholic missionaries, that on the second day of July the chief factors of the Hudson Bay Company assembled in council at York Factory, passed the following resolution :—

> Great benefit being experienced from the benevolent and indefatigable exertion of the Catholic mission at Red River, in the welfare and moral and religious instruction of its numerous followers ; and it being observed with much satisfaction that the influence of the mission under the direction of the Right Reverend Bishop of Juliopolis has been uniformly directed to the best interest of the settlement and of the country at large, it is resolved That, in order to mark our appreciation of such laudable and disinterested conduct on the part of said mission, it be recommended to the honourable committee, that a sum of sixty pounds per annum be given towards its support.

Thus we find that so early as that period, the only sovereignty that existed in that country contributed to the support of the schools. In the year 1857 Professor Yule Hind who, as hon. gentlemen are aware, made a very elaborate report on the condition of things in Manitoba and the North-west, reported in chapter 10 of his work :

> Education is in a far more advanced state in the colony (Assiniboia) than its isolation and brief career might claim for it under the peculiar circumstances in which the country has been so long placed. There are seventeen schools in the settlement, generally under the supervision of the ministers of the denomination to which they belong.

Further on :

> All of the foregoing establishments are independent of the Sunday schools properly so-called in connection with the different churches.

Then the Bishop of Rupert's Land reports with reference to their school money :

> The sources of income vary much ; ten out of the thirteen schools are connected with the Church Missionary Society. * * * * *
> In the other schools about one-half may be paid by the society, sometimes less, and the rest is made up by the parents of the children. * * *
> The sum paid by parents is fifteen shillings a year ; when Latin is taught one pound. * *
> The parochial school connected with my own church is equal to most parochial schools which I have known in England.

Then there were two Presbyterian schools which were thus referred to by the Rev. Mr. Black in a letter :

> First, then, as to the school : it is entirely supported by the people of the district, or rather by those of them who send their children to it. You are aware that we have no public school system in the colony, and this, like the rest, is therefore essentially a denominational school.

There is no manner of doubt—it is practically admitted in the case that went to the Privy Council, that denominational schools in the fullest and freest acceptation of the word existed at the time in Manitoba and the North-west. The term "denominational schools" is a familiar one to all gentlemen who are at all intimate with the early history of Canada ; it is a very well known expression to those of us who had seats in the old Parliament of Canada. Since 1841 this question of denominational schools and separate schools has been discussed. There is no uncertainty about what it means. All those who had to do with the question, and all representative men in both chambers in earlier years thoroughly comprehended what the meaning of denominational and separate schools was. There can be no pos-

sible doubt upon that subject. Then the next question that we ought to consider fairly is, was it, at the time that Manitoba came into the Union, thoroughly understood that those denominational schools, as they then existed, were to be preserved and continued for all time to come? Was that a part of the charter that was given to Manitoba? In order to do that I will just quote some official documents and I think I will satisfy hon. gentlemen that so far as those who may be considered the promoters of the movement, and so far as those who were the actors in ratifying the agreement were concerned, they themselves left nothing undone to carry out what was considered at the time a fair and equitable settlement of the question in reference to Manitoba and that territory.

Now, in 1869, at the time when we were agitating for the union of Manitoba and the North-west, we had paid our money and were trying to get possession of the country. The home Government had shown a very large interest in the subject, as in all questions of that kind, where the rights of colonists are concerned, they have invariably taken a fatherly interest in the matter. We had endeavoured to bring about the desired result by friendly methods by the interposition of those who had the confidence of the people, and to bring it about by methods of peace. On the 6th December, 1869, Lord Granville, then Secretary for the Colonies, sent a despatch to the Governor General advising the issue of a proclamation assuring the people of the North-west that their rights should be preserved. I quote the exact language of the proclamation issued by Sir John Young:

> By Her Majesty's authority I do therefore assure you in union with Canada all your civil and religious rights will be respected.

Now there is no uncertain sound about that. It speaks as plainly as the English language can convey an idea. On the strength of that, and with a view of bringing about an arrangement, delegates were named in the North-west. They were Judge Black, Father Richot and Alfred Scott. They came to Ottawa; I perfectly recollect the event myself. I was here at the time and remember it. There was very considerable feeling all over the country in consequence of the events that were then transpiring in Manitoba, in Fort Garry, and a very few days after they arrived in Ottawa Scott and Father Richot were arrested. What was the effect of that? The home Government cabled out immediately to the Governor General asking whether it was with the sanction of the Government of Canada that the delegates were arrested. This Government promptly replied that it was not, and they intervened and the two delegates were discharged. Judge Black did not come at the time, but Father Richot and Scott did. They met Sir Geo. Cartier and the late Sir John Macdonald, who acted on behalf of the Federal Government, and they had their conferences at Ottawa day by day. On the 23rd April Lord Granville feeling anxious about the matter cabled to the Governor General to accept the decision of Her Majesty's Government in all particulars of the Settlers' Bill of Rights, referring to the Bill of Rights that the delegates had brought down and which had been agreed upon at Fort Garry before they left. If anybody takes the trouble to analyse this Bill of Rights he will find that a large portion, referring to the language, the schools and the lands, is embodied in the Manitoba Act, evidently showing that those who drew up the Manitoba Act were also familiar with the Bill of Rights. The 7th clause in the Bill of Rights provides:

> That the schools be separate and that the public money for schools be distributed among the different religious denominations in proportion to their respective populations according to the system of the province of Quebec.

That was the system then in existence in the province. It was only natural, as they had lived in peace and harmony among themselves, and as there never had been any disagreement among the different churches, that they should desire to perpetuate that kind of fraternal feeling, and so that section formed one of the clauses of the Bill of Rights. The 16th clause provides that the English and French languages shall be used in the legislature and the courts, and that the Acts of the legislature shall be published in both languages. The language of the Manitoba Act on that subject is almost identical with that of the Bill of Rights, showing that the Bill of Rights was an important factor in those negotiations. Now those gentlemen were here during the month of April, and in that month the conferences took place. On May

3rd, a cablegram from the Governor General to Lord Granville stated :

Negotiations with delegates closed satisfactorily.

On receipt of that, Lord Granville sent the following despatch :

I am glad to learn that the proceedings adopted against the Rev. Mr. Richot and Mr. Scott were promptly disposed of and not renewed, and I take this opportunity of expressing the satisfaction with which I have learned from your telegram of 3rd inst. that the Canadian Government and the delegates have come to an understanding as to the terms on which the settlement of the Red River should be admitted into the Dominion.

Can anything be more specific and definite? It is clear that the Imperial Government understood the situation thoroughly. The matter was discussed by the public press. I know there was a great deal of hostility shown because the Government had recognized those gentlemen as delegates. They thought it was better to do so with a view to acquiring that territory in a peaceable way, and endeavouring to sooth the animosity of people that had been raised by other circumstances. Some papers commented on it in an unfriendly manner. The *Globe* of May 7th has this editorial on the subject, commenting on the fact of the delegates being listened to at Ottawa :

The constitution proposed for Manitoba must evidently have been submitted to Messrs. Black, Richot and Scott, before coming before Parliament at all ; as they graciously approved, no further trouble was anticipated.

That was before the Bill was considered in the House of Commons. On 5th May Earl Granville read a telegram in the House of Lords, after the introduction of the Bill—so anxious was the Government to feel that they had the approval of the Imperial Government, and knowing the interest they took in the friendly and equitable solution of the question. The despatch was from Sir Francis Hincks to Sir John Rose, and was as follows :

Ruperts Bill passing Commons, concurred in by delegates and Canadian party—in fact by all in territory.

That was the conclusion. The delegates had finished the conference and the bill was before the House of Commons, and it was then going through. That was on 3rd of May. It came up for its second reading on the 10th May. I quote from the Parliamentary Debates of 1870 :

After several clauses of the bill had been discussed and voted on Mr. Oliver moved that the educational clause be struck out.

Hon. Mr. CHAUVEAU hoped the amendment would not be carried. It was desirable to protect the minority in Manitoba from the great evil of religious dissensions on education. There could be no better model to follow in that case than the Union Act, which gave full protection to minorities. It was impossible to say who would form a majority there, Protestants or Catholics. If the population were to come from over the seas, then the Protestants would be in a majority. If as had been asserted, Manitoba was to be a French preserve, the Catholics would be a majority. He did not care which, because he desired only to see the new province freed from discussions, which had done so much injury in the old provinces of Canada. They presented a problem to the whole world, and the question was, could not two Christian bodies, almost equally balanced, be held together under the British Constitution. He believed that the problem could be worked out successfully.

Now Mr. Macdougall was an opponent and had been an opponent of separate schools all his life. He had opposed the separate school Bill which was carried by myself in 1863. He was opposed to the principle of the bill, but voted for it on the third reading. Mr. Macdougall said :

The effect of the clause if not struck out would be to fix laws which the Local Legislature could not alter in the future.

Mr. Macdougall was one of the gentlemen engaged in the drafting of the British North America Act ; he had attended the convention at London and Quebec, and was perfectly familiar with every clause of it. Mr. Macdougall knew what the effect would be, and the House knew it. They did not vote on an uncertainty ; they voted with a perfect knowledge that if this motion were rejected, then for all time to come—except through the intervention of the provinces and the Imperial Government —the separate schools, both Protestant and Catholic, would continue to exist in that province. Mr. Macdougall advised that it should be struck out ; he thought it better to go to the Provincial Legislature and let them settle it. That was his view :

Sir George Cartier referred to the manner in which the Red River country had been settled, and grants of land which had been made to the clergy for the purposes of education.

Mr. Mackenzie was prepared to leave the matter to be settled exclusively by the local legislatures, and he thought it better it should be relegated to them. Mr. Mackenzie lived long enough to feel that his view

expressed on that occasion was wrong. He subsequently admitted in Parliament, on several occasions, that it was entirely a mistake. When in the Parliament of Canada, he had always opposed separate schools; but in after years he supported that system as best for a mixed community like ours. However, the question was debated, and no language could put it more tersely than Mr. Macdougall puts it :

> If Oliver's motion was not struck out, the effect would be to fix laws which the local legislatures could not alter in the future.

A vote was taken, and eighty-three voted against it and thirty-four for it ; the majority was more than double, and it is gratifying to feel that there was a majority of the Protestants in the House of Commons opposed to Mr. Oliver's proposition to deprive Manitoba of its schools. It cannot be said that it was imposed on Manitoba by a Lower Canadian vote. Among the Protestants who voted for it were Archibald, Bown, Burton, Cameron (a distinguished gentleman who was at one time a Grand Master of an important order, but whose prejudice never carried him so far as to refuse to recognize the rights of the minority), Campbell, Carling, Gibbs, Hincks, Pope, Shanley, Tilley and others. Now these gentlemen knew what they were voting for. My hon. friend, the leader of the House, when he cast his vote, must have known perfectly well what he was voting against. There was not the least uncertainty about it. That was the only vote taken upon it and when the Bill came up again it was allowed to pass unchallenged in the House and then it came up to the Senate. Now the Senate discussed several clauses of the bill. They did not, however, interfere with that clause ; they took no vote on it, but allowed it to pass, so that this House unanimously approved of the clause, because public attention had been called to it ; it was discussed in the newspapers and the minority's rights were not challenged there. The papers discussed it. I do not find any hostile position taken by any of the papers. The Toronto *Globe*, which now takes a very strong attitude on the subject, had an article 10 days after, calling attention to the educational clause. The House rose a few days after the Bill passed, I think the 12th May, and in giving a résumé of the business of the session the *Globe* of May 23rd has the following observations in reference to the educational clause, put in language which means the same, but which is more convincing from the fact that it differs verbally from those in the Act itself :

> It is specially enacted that no law shall be passed by the Provincial Legislature injuriously affecting in any way denominational schools, Catholic or Protestant. An appeal against any educational act that infringes upon this proviso will be to the Governor in Council, and if powers are required to enforce his decision, the Parliament of Canada may be invoked to compel due compliance by an act for the purpose.

That is what the *Globe* said ; put it in plain English. There is no protest against it, no declaration that the establishment of denominational schools is a violation of the rights of British subjects. All parties accepted it. Now in order to show that all parties for years afterwards considered the case settled beyond all question, I will call attention to some remarkable utterances. In 1875 we had the North-west Territories Bill, under which separate schools were established there before us in this chamber. I had charge of it. Reference was made in that debate to the advantage of settling this question, and we pointed to the instance of our dealing with the question so far as Manitoba was concerned, and congratulated ourselves that it never could arise in Manitoba, that we had settled it so solidly, so sacredly and so perfectly that it could not cause trouble there. I will quote from the speech of the hon. member from Richmond first. Speaking of the powers of Parliament, Mr. Miller said :

> Parliament had an undoubted right under these circumstances to make such provisions regarding the question of education, or any other question, for this new territory, as in its wisdom it thought best for the future peace and well being of the country. The difficulties they had already encountered in the old provinces in regard to education should be a warning to them to prevent similar troubles arising in the provinces they hoped to see spring up in the North-west. This policy had been applied to Manitoba, and who can deny that that course had been wise, and would save that province from all the discord and bitter agitation throughout which the older provinces were either passing or had already passed. It was unfortunate that the Act of Union had not settled the educational rights of all the old provinces on a just and liberal basis, as had been done in Ontario and Quebec.

Remember this was only three or four years after we had settled the Manitoba question. We had some little time before

been discussing the New Brunswick School Act, and the question had also cropped up with reference to Prince Edward Island when that province was coming into the Union. Those references therefore show most conclusively the unchanged opinion of the whole Dominion. No man arose to protest against it. All accepted it as conclusive, as absolute and as complete. Nothing could be more so. No language could be framed to give stronger expression to the wishes of Parliament, and to the views of those who were the chief actors in this agreement. When we dealt with that North-west question in 1875, there was a good deal of feeling, not in the North-west, but in some remote parts of the Dominion where they found fault with this Parliament for dealing with the question, and it was brought up in the Senate on two or three occasions. It was on a petition from New Brunswick, I believe, and a debate arose as to what we had done in the past in settling the question in Manitoba and the North-west Territories. The late Senator Girard, in 1876, said :

> If there was anything in the bill that afforded satisfaction to the people of the Territories, it was that provision. They had in Manitoba to do battle on this question, but they had been enabled to establish a basis which would do away with the difficulties that existed in the other parts of the Dominion.

Mr. Miller, like other hon. gentlemen, believed that it was settled irrevocably—that it could not arise again ; that, as Mr. Macdougall pithily put it, the local Legislatures had nothing more to do with it ; that if they did, there was an appeal to the Governor in Council. I am not aware that there was any agitation preceding this act of the Manitoba Legislature. The interesting dissertation given us by the hon. member from St. Boniface was news to me as to the trickery and fraud resorted to in connection with the foundation of this movement. It is greatly to be regretted, and the parties to it will one day have cause to regret their conduct. They will not enjoy hearing those words, which were uttered 1,800 years ago : "Blessed are the peacemakers for theirs is the kingdom of heaven." Those who sow discord will verily reap their reward. There are intolerant men in all churches, Catholic as well as Protestant. It is our duty, and it is the duty of every man who loves his country and his fellow men, to set his face against movements of that kind. This country is broad enough for all of us to enjoy life to the fullest extent. We ought, in these matters which are dear to us, all to bear and forbear, where we cannot possibly agree. If we could agree on this question of religion in the schools, I, for one, would go in heartily for it, and have our children educated together, but we know it is impossible. It has been tried over and over again and failed. Is it not better that we should educate our children in the various religious professions of this country, and make them good citizens ? All our christian churches teach religion and morality—teach men to be better. Is not a pious Catholic better than a bad Catholic ? And so it is with all the denominations. (A laugh.) My hon. colleague from Rideau division treats the question with levity. I think it is a serious question, affecting not only the interests of our own population, but the interests of people in all lands. The trend of public opinion in all civilized countries is towards Christian education. I come now to the Manitoba Act. Let us see whether it carried out the agreement that was discussed by the delegates and the members of the Canadian Government. The Manitoba Act itself reads in this way :

> In and for the province, the legislature may exclusively make laws in relation to education, subject and according to the following provisions :—
> (1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union.

Now, if we come to the corresponding section of the British North America Act, it reads word for word like that, except the introduction of the word "practice" in the Manitoba Act. Now, why was that word introduced there ? Was it not to meet the special conditions which existed in the Red River settlement ? We all know that there was no law existing in that country except the law of the Hudson Bay Company, which was not a recognized one, not having been enacted by the people's representatives assembled in legislature, and therefore there was no law under which schools were established—they existed by practice. The word does not occur anywhere else. The word "practice," I think, was brought out in a discussion with regard to the New Brunswick schools. It commenced back in 1869, and I find that word used

in a speech of the late Mr. Justice Grey who came from the province of New Brunswick. We know that denominational schools had been in existence in New Brunswick, in some parts of it by practice, but not recognized by law, and consequently the Parliament of this country, though they would have liked to carry out the views of the people, were unable to do so or to give any relief at the time. This word "practice" was introduced there. It was evidently considered the most suitable word under the circumstances. In the British North America Act there is an appeal to the Privy Council from any act affecting the rights of the Protestant and Catholic minorities. Even that was changed in the Manitoba Act. Parliament made it more specific. The appeal shall lie to the Governor General in Council from any act or decision of the legislature of the province. These words do not occur in the British North America Act. No other province that came in had those four words introduced in their Constitutional Act. They are peculiar to Manitoba alone, proving most conclusively that there was a jealous resolve on the part of the framers of the Act at the time that there should be a direct appeal to the Governor General in Council from any hostile decisions—that they were not to be forced into the courts—that the remedy was to be short and quick. Those words are very unusual. How did they occur? I think I know something of the history of them, inasmuch as the original words were introduced in an Act that I drafted in the year 1862 or 1863. I hold in my hand the original Act of 1863 with the print of Messrs. Desbarats and Cameron who were then the Queen's printers. The conferences I had in drawing up the Separate Schools Act in old Canada in 1861, 1862 and 1863, were chiefly with Dr. Ryerson. There was not on any occasion any clerical interference. It has been recently stated that when Parliament sat at Quebec, the Archbishop of Quebec interfered. I deny that. The conferences were held with Dr. Ryerson in the library, and it is due to his memory to say that I found him always ready to meet the wishes of the minority—that he exhibited no prejudice or bigotry, that had larger concessions been sought for, Dr. Ryerson would not have thrown any obstacle in the way. There was only one occasion when a clerical gentleman was present—the Rev. Mr. Macdonald, of Kingston, vicar general—and he was the only clerical gentleman who was present on any occasion at the framing of the clauses. I had circulars sent out to the trustees all over Ontario asking for suggestions and advice with a view to making the law more workable. Dr. Ryerson offered no impediment, but there was a strong feeling prevailing with Catholics that he was hostile to the Act. People believed that he was always decidedly against separate schools. I am not aware that, after this Act was passed, there was a single appeal under it. We had not in those days a Minister of Education, but we had Dr. Ryerson, the chief superintendent of education, and I drew up this clause :

> In the event of any disagreement between trustees of Roman Catholic separate schools and local superintendents of common schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the chief superintendent of education in Upper Canada, subject, nevertheless, to the appeal to the Governor in Council, whose award shall be final in all cases.

There is where the idea is taken for an appeal as provided in the British North America Act. It was only to be found in this particular Act and it was simply based on that idea that the chief superintendent was not friendly to the separate school system, which was a mistake, because he was sincerely anxious to do what was really fair to make the law workable. That is where the appeal comes in. It does not exist anywhere else. I intended the appeal to be prompt and direct. It was thought the Governor in Council would be the fairest tribunal and they would dispose of it at once. This Manitoba case went to our own Supreme Court. The late Chief Justice Ritchie and Mr. Justice Patterson gave written judgments upon it. That court was unanimous in regard to the correct interpretation of the act. Neither of those gentlemen can be accused of having Catholic proclivities, or being desirous to strain the law with a view to help the minority. Their judgment was clear, terse and positive and given without any hesitation. They knew the condition of things existing there, knew what denominational schools meant, because they were conversant with the history of this country. Unfortunately that court was not a final one; otherwise this agitation that has arisen over this new Act in the North-west, that has now become law, and the agitation in Ontario, would not have occurred. It is all

due to the unfortunate decision of the Manitoba case by the Privy Council. Between 1863 and 1890 hon. gentlemen know very well that there was no agitation in this country in reference to the school question—none whatever. We all got on amicably together.

Hon. Mr. POWER—There was the New Brunswick question?

Hon. Mr. SCOTT—I am speaking of the old provinces of Canada. In New Brunswick there was an agitation and there was also one in Prince Edward Island. In the latter province the minority claimed, when they came into confederation, that denominational schools were in existence there. So they were, but not by force of law. I had to consider the question in conjunction with the then Minister of Justice. I was in the government at the time. They sent up their delegates here, and I pointed out to them that they came in under the British North America Act, which makes no provision for the rights of a minority except they existed under the law of the legislature before the union. I said to them: "You are not in the position of Manitoba, because there the schools in existence by practice are permitted, but in Prince Edward Island and British Columbia that is not the case. Those special provisions are only to be found in the Manitoba charter," and so we had to tell the delegates from Prince Edward Island that their case could not be considered. They thought it a very great grievance, because a bill which oppressed them very much had been introduced and passed there. We told them they would have to bear it and hope for a better condition of things. I believe since then a better condition of things has arisen—that the law passed in 1874 or 1875 was found to be too stringent and affected the minority there too seriously, and I think the legislature modified it, but the Federal authorities could give them no relief for the very reason that there was no provision for it in the British North America Act. Had it been known that such conditions existed in Prince Edward Island, no doubt it would have been arranged before the islands came into confederation. Had the educational clause in the Prince Edward Island charter been similar to the Manitoba charter, the rights of the minority would have been protected. The Manitoba case went to the Privy Council, which I think was exceedingly unfortunate. There is a very strong feeling that the judgment of the Privy Council is manifestly unfair, that the gentlemen who rendered it did not thoroughly comprehend the question—that they either did not take the trouble to look into it carefully, or the subject was so entirely fresh and new to them that they did not comprehend it, and they rendered a judgment contrary to the facts. It is illogical on the face of it, and has caused great hardship to the minority in Manitoba, and it has shocked the sensibilities of the Catholics of this Dominion. I think it is exceedingly unfortunate that there should still be an appeal to the Privy Council. When we were framing the Supreme Court Act it was pointed out that we could not cut off that appeal—that it was an appeal to the Sovereign which had existed from time immemorial, and that all subjects of the Crown had the right. Very well; if it was an appeal to the Sovereign, I would cheerfully support and maintain it. I am satisfied that had our beloved Sovereign read all the papers bearing on the case her conclusion would have been entirely different from that of the Judicial Committee of the Privy Council. In early times, in Saxon days, before the Norman conquest, appeals from the subjects of the Crown lay direct to the Sovereign personally. The Sovereign held the court—it was the final appeal, and was a right that all were supposed to enjoy; but in modern times such an appeal does not exist—the judicial committee is no more than any other court, and therefore it is absurd for us to appeal to the Privy Council. As a matter of fact, the decisions of that court have been most unsatisfactory, not in this matter alone, but generally. The greatest uncertainty prevails. They are gentlemen who cannot be expected to take an interest in our affairs. They know very little of the circumstances of our country, and they have been guided, evidently, more by United States precedents than by colonial precedents. They have gone on the principle that the sovereign power lay with the provinces and not with the Dominion. We know how the United States Government was formed—that the states came together and formed a federal government, to which they gave up only a part of their sovereignty. Whatever they gave up to the central government became com-

mon to all. But in Canada it was just the reverse. We, under a written constitution, delegated to the several provinces certain specific powers. The residuum, whatever it may be, remains with the central power. If you take the decisions of the Privy Council during the last ten or fifteen years, you will find that in all cases it has been sustaining provincial rights—that has been the current of their decisions—evidently guided by United States precedents and authorities, not certainly interpreting the Canadian constitution truly, because under our constitution the provinces possess only what is given to them. Our constitution is definite and clear. When this matter was before the Privy Council, they admitted all the facts just as I have given them to you. They tersely narrate the condition of things in Manitoba. I have now the judgment of the Privy Council before me. They refer to the views of the several judges of our court, They state :

Ritchie, C. J., held that as Catholics could not conscientiously continue to avail themselves of the public schools as carried on under the system established by the Public Schools Act, 1890, the effect of that act was to deprive them of any further beneficial use of the system of voluntary Catholic schools which had been established before the union, and had thereafter been carried on under the state system introduced in 1871.

Patterson, J., pointed out that the words " injuriously affect " in section 22, subsection 1, of the Manitoba Constitutional Act, would include any degree of interference with the rights or privileges in question, although falling short of the extinction of such rights or privileges. He held that the impediment cast in the way of obtaining contributions to voluntary Catholic denominational schools by reason of the fact that all Catholics would, under the act, be compulsorily assessed to another system of education, amounted to an injurious affecting of their rights and privileges within the meaning of the sub-section.

Then they go on and quote the language of other judges all in the same direction. They narrate the circumstance of the existence of schools before confederation, they describe what those schools were, that wherever the Protestants had the majority they controlled their schools, and wherever the Catholics were in their majority they ruled theirs. They quote Archbishop Taché's statement which was uncontradicted, and admit all the facts just as they were given. Then they allude to the passing of the Act of 1871. That Act, which was passed immediately after Manitoba came in, was in the terms of the British North America Act, and made special provision for denominational schools. Now, is it not at all events a point that is worth noting, that immediately after this Manitoba Act was passed the Legislature, at its first meeting, established the denominational system of schools as laid down in the Act? Would not one fairly infer that they understood the question thoroughly there, and that they drew up this Act in harmony with the British North America Act, because the whole subject was fresh. It had been discussed in Parliament and in the press and the Local Legislature followed just in the lines of the Act. I need only call attention to the fact, it has been referred to so often; but the Privy Council advert to that, and they say they do not think they could very well take judicial notice of that, although it is a very strong point. They quite admit that it ought to have its influence, but still they do not consider themselves bound to take note of the fact that immediately after confederation, and at the very beginning of the first session, an Act was passed recognizing denominational schools and making allotments to the different classes as provided for in the British North America Act. They quote it, however, but say that they do not think it binds them : and they quote also the Act of 1881, which is all in the same direction, carrying out the Act of 1875, making further and better provision. Their lordships say :

From the year 1876 until 1890, enactments were in force declaring that in no case should a Protestant ratepayer be obliged to pay for a Roman Catholic school, or a Roman Catholic ratepayer for a Protestant school.

Their lordships explained the school system as it existed before Manitoba came into the union :

The practice which prevailed in Manitoba before the union is also a matter on which all parties are agreed.

The statement on the subject by Archbishop Taché, the Roman Catholic archbishop of St. Boniface, who has given evidence in Barrett's case, has been accepted as accurate and complete.

There existed, he says, in the territory now constituting the province of Manitoba a number of effective schools for children.

These schools were denominational schools, some of them being regulated and controlled by the Roman Catholic Church and others by various Protestant denominations.

The means necessary for the support of the Roman Catholic schools were supplied to some extent by school fees paid by some of the parents of the children who attended the schools, and the rest was paid out of the funds of the church, contributed by its members.

During the period referred to, Roman Catholics had no interest in or control over the schools of the Protestant denominations, and the members of the Protestant denominations had no interest in or control over the schools of Roman Catholics.

There were no public school in the sense of the state schools.

The members of the Roman Catholic church supported the schools of their own church for the benefit of Roman Catholic children, and were not under obligation to, and did not contribute to, the support of any other schools.

It is manifest from the above extract from the judgment that their lordships recognized that denominational schools were the only schools in existence in Manitoba before the union. In the following extract it is equally clear that they appreciated the object of the framers of the Manitoba Act in introducing the words " by practice," in addition to the words in the British North America Act. Their lordships say :

Subsections 1, 2 and 3 of section 22 of the Manitoba Act, 1870, differ but slightly from the corresponding subsections of section 93 of the British North America Act, 1867.

The only important difference is that, in the Manitoba Act, in subsection 1, the words " by law " are followed by the words " or practice," which do not occur in the corresponding passage in the British North America Act, 1867.

These words were no doubt introduced to meet the special case of the country which had not as yet enjoyed the security of laws properly so called.

It is not perhaps very easy to define precisely the meaning of such an expression as " having a right or privilege by practice." But the object of the enactment is tolerably clear.

Evidently the word " practice " is not to be construed as equivalent to " custom having the force of law."

Their lordships are convinced that it must have been the intention of the legislature to preserve every legal right or privilege, and every benefit or advantage in the nature of a right or privilege, with respect to denominational schools, which any class of persons practically enjoyed at the time of the union.

It is equally clear that their lordships appreciated the intention of Parliament to preserve the legal rights and privileges of the minority, yet by their judgment those legal rights and privileges have been lost by the court sustaining the Act of 1890, or as their lordships express the change :

In 1890 the policy of the past nineteen years was reversed, the denominational system of public education was entirely swept away.

Their lordships recognize that the effect of the Act of 1890 is to tax the minority for the public schools in addition to supporting their own, and their lordships regret that, "owing to religious convictions which every body must respect and to the teaching of their church that Roman Catholics find themselves unable to partake of advantages which the law offers to all alike."

Their lordships say : "That Roman Catholics are free to establish their own schools throughout the province." No doubt they are, but at the same time they must pay the public school tax, and their schools will not receive any share of the public funds allotted for school purposes. The logic used and the conclusions reached will equally apply to Quebec and Ontario. According to their lordships' opinions, separate schools in Ontario and Quebec might be swept away, and the minority in each province would not be prejudicially affected, because they would still be "free to establish their own schools." It is quite clear their lordships did not understand the situation and the subject, as we have it existing in the older provinces. The most charitable thing to say of them is that they did not understand it. It is all that one can say, but it is a pretty hard matter for the people who do understand this question, and who know that a grievous wrong has been perpetrated, to have it pointed out to them that they must be satisfied with the decision. I say it in all sincerity, and without any desire to reflect on anybody—I think it is to be exceedingly regretted that the simple course pointed out under the act of Manitoba was not taken and the bill vetoed at once. This question of provincial rights is not one that is germane to the school question at all. There is no other question of provincial rights that is relegated to the Governor in Council—none whatever. You will search the British North America Act, or any constitutional act, in vain to find that there is an appeal to the Governor in Council from the passage of any other law than this particular one. It was, no doubt, framed for the very purpose of meeting cases of this kind, and I do feel that if it had been promptly met before any agitation or excitement arose in the community, not a word would have been said about it. The parties who passed the law, I am quite satisfied, felt sure that it was *ultra vires*. It was done, evidently, by a trick, as pointed out by the hon. member from St. Boniface, not done after an agitation by the press or by the people ; it was done by political tricksters (no one else would have sown all this discord) just to meet their own political pur-

poses. I care not whether they were Grit or Tory; it makes no difference. The hon. gentleman said they were Liberals. Well, if they were Liberals, they were not worthy of the name. No man can be considered liberal if he is intolerant. No man who does not respect the rights of his neighbour should call himself liberal. If he acts as though his religious views were alone to be respected and those of all other people slighted, he is not liberal; and there is not a Protestant statesman to-day who does not approve of religious instruction in schools. Everyone who reads up this question will find that that is the trend of public opinion; educate our children in Christian schools. No matter what particular church they belong to, they teach respect for authority and charity towards one another. You find that those who are religious in their own way, in the religion in which they believe,are the best people. If we desire to leave a legacy to posterity, would not the best legacy be one which would establish a Christian population throughout the land? I think it is a very great misfortune that the men who brought about this confederation, that the men who brought about the first union between Upper and Lower Canada, are not alive to-day. If they were we would not have this dissension in the country. Are there no statesmen among us? None strong enough to stay the angry tide that is rising up, becoming intolerable to a degree that makes life unbearable? I often feel that if that distinguished statesman whose ashes now repose near Kingston, had been alive and in his health, all this agitation would have been stayed. He at least had power and influence on those behind him to prevent their marching on and encroaching on the rights and liberties of their fellow citizens.

Hon. Mr. BOWELL—They have not done it yet. The other party have done all this.

Hon. Mr. SCOTT—One would suppose from the way that some gentlemen talk that this was a fad of the Catholics in Manitoba —that it was something unwarranted, but if they will look to the record of the mother land they will find that there they consider religion in the schools a most important matter. Unfortunately, we borrow too many of our views from the United States. This question of disassociating religion from the schools arose there, and its consequences are already evident in that land of liberty, that land where divorces are so numerous, where a man could stop over at a station and get a divorce, where domestic ties are broken up and socialism of the worst description is rampant, and all due to the fact that they are departing from the principles of religious education. Go to any city in the United States, go to Boston, which has been the centre of refinement and religious thought, or was supposed at one time to be such, and take any of the churches there, and take the corresponding church in Montreal or Quebec, be it Methodist, Baptist, Catholic, or any other, and you will find that a very small proportion of the population in the cities of the United States attend the churches. That is just the effect of the system adopted in that country. In a matter of this kind one would suppose that we would draw our inspiration from the Motherland, where the best examples are given us. What do we find there? That all denominations who desire to establish schools are liberally provided for; they have separate schools in England, Wales and Scotland, where the Catholic element is very much in the minority, where it has not the supposed influence it ought to have here. They there get six times as much allotted to their schools as we do in Canada. I hold here the returns of the government grants to the various schools in England; where they recognize perfect toleration. They recognize that some non-conformists prefer the secular system of education, and that various religious denominations prefer having schools under their own control, and so all are provided for; there is no hard and fast rule forcing all the children into one school; they recognize that the several religious bodies have divergent views on the subject of education, and that they are brought up under different conditions, and you cannot fuse them all, you cannot send them all into the one school; you have got to recognize certain principles, and British statesmen do recognize them. Now take the Wesleyan schools; for 1892 the annual grant was £115,000; these are the returns for England and Wales I am reading from. In England and Wales there were nine hundred and fifty-six Catholic schools. They received £171,975—over $4 a head. In Ontario, my hon friend said, we boast a great deal of liberality. Well, I had to

smile; we are supposed to have a great deal of liberality; we are supposed to enjoy great liberty so far as schools are concerned. Taking the Catholic population of Ontario, we get the munificent sum of 5½ cents per head per annum. For the children that attend the schools, somewhere about 75 cents per head, considerably less than a dollar. In England it runs up to $4, and in Wales, where the Catholics are in a minority, it amounts to $4. In Scotland, in the days of John Knox, there was a good deal of intolerance, but the Scotch people to-day are not the illiberal, intolerant people they were credited with being in early times. They give liberally to all schools; they recognize that we cannot all think alike on the various ways of worshipping our God; they recognize that, and take it into account, and so in Scotland the schools of the various churches—the schools in connection with the Church of Scotland, the Episcopalian schools and the Roman Catholic schools receive public aid. There are only 173 Catholic Schools in Scotland. It is well known the Catholic population is small there, and yet they give £36,843; we have in Ontario 280 separate schools, and yet they only get altogether less than $20,000 —between $18,000 and $19,000.

Hon. Mr. BOWELL—Is not the appropriation for the school funds in Ontario distributed equally in proportion to the children of both schools, whether they be Protestant or not?

Hon. Mr. SCOTT—That is for the public schools. Oh, there is a fair distribution so far as relates to elementary schools.

Hon. Mr. BOWELL—I thought you intended to infer there was a distinction drawn between the Catholic children and the others.

Hon. Mr. SCOTT—No. Taking the Catholic population 380,000 or 400,000, the $18,000 allotted to the separate schools in Ontario would be about 5½ cents per head of the Catholic population.

Hon. Mr. BOWELL—Is it not the same proportion for the Protestant population?

Hon Mr. SCOTT—The whole grant in Ontario is between $600,000 and $700,000. The Catholics get their share of what is allotted to what is known as the elementary or public school, they get no share in the Collegiate Institute or any of the higher school education. The whole educational grant in Ontario is $600,000.

Hon. Mr. BOWELL—Neither are they taxed for the higher schools.

Hon. Mr. SCOTT—They have to pay their share of the taxes.

Hon. Mr. BOWELL—No. I was chairman of the board for a great many years in the town in which I lived, and the Catholics were not taxed for the support of the higher schools for which they received no benefit.

Hon. Mr. SCOTT—The hon. gentleman is right with reference to the tax that is collected. The tax collected is the tax that goes to the common school, but then the contribution of the additional amount that goes to make up the six hundred thousand comes out of the public revenue. The Catholics bear their share. It is an allotment out of the revenue. The people are not taxed directly for that. There is no direct tax. The direct tax for the common school is what is collected in the municipality through the collector for school purposes.

Hon. Mr. McMILLAN—They are now called public schools.

Hon. Mr. SCOTT—Yes, but the hon. gentleman will see that there is a great difference between the allotment for the common and separate schools and the school grant which is over $600,000. I can turn it up and show how it is allotted; but the residue goes to schools that Catholics cannot avail themselves of; it goes to the higher education. They contribute to keep up the higher education, but they are not directly taxed more than the protestants; neither are taxed for higher education; that comes out of the general revenue of the country. The only school tax we have in Ontario is the school tax imposed by the municipality; there is no provincial tax.

Hon. Mr. BOWELL—The point is this: the Catholic children have the same right to attend the high schools as the Protestant children.

Hon. Mr. SCOTT—No doubt about that.

Hon. Mr. BOWELL—Ergo they receive the same benefit in proportion to the number who attend it as the Catholics. If they do not go it is their own fault.

Hon. Mr. SCOTT—Yes, it is open to them, the same as any other public institution, but what I do say is that they do not practically get the benefit of it, because they do not as a rule go to higher schools in proportion to their numbers. Now, when I was interrupted I was just reading the allotments. I had before me the last official returns and you will find that what I have stated is substantially correct. Wherever the separate schools are established the Catholic rate is struck by the Catholic school trustees, just as the public rate is struck by the public school trustees. The same collector collects for both.

Hon. Mr. MACDONALD (B. C.)—Are there not church schools?

Hon. Mr. SCOTT: They have the same rights as the catholics have to establish if they please. The method is this: the trustees of the public school strike a rate. It is necessary to support the schools in conjunction with the government grant, and the grant is based on the per capita attendance. The separate school trustees strike their rate and they are both handed in to the municipality and the tax is put on the collector's roll and in the end is paid either to the common school fund or the separate school fund: so that they tax themselves just as they please. The separate school trustees may put on so many mills on the dollar; they may be higher or lower than the public school or vice versa. Now one point I desire to make is that there is really not enough in it to create all this agitation which is going on Ontario, the attack that is to-day made upon the separate school system. The whole amount paid in 1892 was $18,248. Now there are many counties in Ontario where not a dollar is paid to separate schools. I suppose they do not exist in those counties In many localities the Catholics and Protestants, being both small in numbers, make an arrangement among themselves and they agree to bear and forbear. The very fact that either can establish a separate school induces a feeling of toleration; and that is a safety valve: so, feeling that they cannot individually support a school, they make their own arrangements, and instead of disuniting they combine to carry on a school and they settle the question of teaching religion in a friendly neighbourly way.

Hon. Mr. BOWELL—I might inform the hon. gentleman that that is also done in the county in which I live in the two of the largest townships where the Catholics predominate largely, particularly in Tyendinaga where they have 900 votes.

Hon. Mr. SCOTT—In the county of Hastings, the whole sum paid for separate schools is $14. Where both parties know they are protected by the law they make up their minds, in carrying out their school systems, to agree if possible, each is tolerant of the other and they get on in a friendly, neighbourly way; but if the law was different you would find there would be dissension and disunion among them. The very fact of their weakness and the inability of each one to establish a school leads to a union, and so they get on in a friendly and amicable manner. I dare say where the agitation most largely prevails for the abolition of separate schools is in places where they have no separate schools; that is where the feeling is strongest. It is a myth to them. It is a purely sentimental question. For instance there is no separate school in Brant, Dufferin, Elgin, Haldimand, Haliburton, Halton, Lincoln, Oxford, Prince Edward or Victoria, yet there is considerable agitation for their abolition in some of those counties. For the small sum that is given to the school system in Ontario, is it worth while that there should be this excitement and agitation and attempt to take away the small remnant that is left to the minority? One would think, certainly, that as we made that arrangement when we went into partnership with the sister provinces the influence there would have some weight upon the people of Ontario—that they would say that the generous liberal treatment accorded by a province that is not as rich as Ontario should have some weight and influence with the other provinces of the Dominion. As explained by the hon. member for St. Boniface, when confederation was taking place in 1866 there was a feeling in Quebec that the rights of the minority had not been protected, but they took Sir George Cartier's word that they would be after the union. Sir Alexander Galt went out of the Government because it

could not be done at the time. The circumstances were such that in the short time allowed they could not run a bill through Parliament and Sir George Cartier pledged his word of honour that if they would trust the majority, after they became a province an Act would be passed for their protection. The province of Quebec was not bound except by the word of an honourable man, to enact any such law. How did the majority in Quebec carry out that pledge? There are nine hundred Protestant schools in Quebec that get an equal amount per capita with the Catholic schools there. In addition to that what did Quebec do? Quebec granted large sums of money for higher education. In Ontario at the time of confederation, the higher educational establishments of that province were receiving aid and assistance. For instance, Regiopolis college at Kingston was in receipt of $3,000; Queen's college, Kingston, a Presbyterian institution under Principal Grant, was getting $5,000 a year; Bytown college, $1,400; St. Michael's, $2,000; Trinity college, in connection with the Church of England, Toronto, $4,000; Victoria college, Cobourg, an institution under the control of the Methodist body, $5,000; L'Assomption, at Sandwich, a small institution, $1,000. Now, that was continued after confederation, but the intolerant spirit of Ontario was against those grants and they had to be swept away. Did they follow suit in Lower Canada? No; they did not. What did they do there for superior education? The legislation in the province of Quebec relating to the rights of the minority in that province is fully set forth in the following official letter from the Superintendent of Education to the Premier:

QUEBEC, 26th January, 1890.

To the Honourable the Premier
of the Province of Quebec.

SIR,—By your letter of the 28th December last you submit four very important questions to which I have the honor to reply as follows:—

1st. What was the law on the first of July, 1867, in connection with the Protestant minority in this province?

At that time there was no law concerning the Protestant minority in this province.

Chapter 15 of the Consolidated statutes of Lower Canada was the only law in force. It provided that the religious minority in the municipality might separate themselves from the majority and control their own schools. The grants made by the Government were disturbed among the common schools in proportion to the number of the population. The grant for superior education was distributed upon the recommendation of the Superintendent with the approval of the Lieutenant Governor in Council, the Protestant institutions receiving a share of the grant along with the other institutions. The grants to dissentients who formed the religious minority in each municipality were distributed in proportion to the number of children attending the schools of the dissentients as compared with the entire number of children attending school at the same time in the municipality.

2nd. What amendments have been made since the first of July, 1867, in the same connection?

The Statutes of Vict. Chap. 15, of 1868, 33 Vict., Chap. 3, of 1871, and 33 Vict., Chap. 15, of 1875, contain the principal amendments that have been made since the first of July, 1867, to Chap. 15 of the Consolidated Statutes of Lower Canada in respect to the Protestant minority.

3rd. What is the practical difference between the privileges enjoyed by the Protestant minority on the first day of July, 1867, and to-day?

On the first July, 1867, the laws concerning education were general, and there were no privileges properly speaking, either for the majority or for the minority, but since the 1st of July, 1867, the Protestant minority enjoy the following privileges:

First. The Council of Public Instruction is divided into two committees, the one composed of Roman Catholics, and the other of Protestants appointed by the Lieutenant Governor in Council, the latter have the right to associate with themselves five persons of their own faith who form part of the Protestant committee.

Second. A Protestant Secretary, having the privileges and salary of deputy head (the Rev. R. I. Rexford) has been appointed in the Department of Public Instruction representing the Protestants.

Third. The Protestant Committee of the Council has control of the schools of their own faith.

Fourth. The Protestant School Inspectors, appointed upon the recommendation of the Protestant committee, visit and inspect the Protestant schools.

Fifth. Separate boards of examiners for candidates for teachers' diplomas are appointed on the recommendation of the Protestant committee of the council.

Sixth. The text books in use in all the Protestant schools are authorized by the Protestant committee.

Seventh. Apart from their share of the Superior Education Fund which is appropriated according to the population, the Protestants have the privilege of distributing the funds arising from the celebration of marriages by Protestant Ministers.

Eighth. An absolute division of the school taxes in the cities of Quebec and Montreal is provided for by 32 Vict., Chap. 16 of 1868, and the school taxes imposed on the Protestant property belongs to the Protestants, and they receive a proportional share of the taxes on property belonging to corporations or incorporated companies, or to persons not belonging to the Roman Catholic or Protestant faith, or whose religious faith is unknown, or belonging partly, or jointly to persons belonging, some to the Roman

Catholic, and others to the Protestant religion, or to persons who declare in writing their desire of having their property inscribed on the list known as "neutral" or to firms and commercial partnerships who shall not have declared through their agent, or one of their numbers their desire of being placed on the first or second list. These provisions also apply to the Protestants in the towns of Sherbrooke and Richmond.

Ninth. The school commissioners representing the majority in all rural municipalities collect the school taxes from corporations and incorporated companies, and pay over to the minority their proportion of the taxes for the support of the dissentient schools.

Tenth. All dissentients may cease, if they so desire, from paying their taxes to dissentient schools.

Eleventh. All non-resident proprietors in a municipality may divide their taxes between the commissioners and the trustees of the municipality.

Twelfth. The dissentients of one municipality may unite to a neighbouring school municipality of their own religious faith.

Thirteenth. If there is no dissentient school in the municipality, any head of a family residing in the municipality and professing the religious faith of the minority, and having children of school age, may send his children to a school of his own faith in a neighboring municipality and pay his taxes in support of a school, provided that the school is not more than three miles distant from where he resides.

Fourteenth. The Protestants receive a proportional share according to population from the revenue of the Jesuits' estates, and according to 51-52 Vict. Chap. 13, an additional sum of $60,000 has been granted to them as an indemnity.

4th. In every case where is an amendment, please tell me what was the law at the time of the amendment, and what was the practical difference made by the amendment, always in connection with the Protestant minority?

The answer to this question will be found in those that precede it.

In conclusion I may say that the Protestant minority has always enjoyed all the protection that could be desired, and that since confederation the school laws have conferred upon the minority well defined privileges which have increased according to the needs of the minority.

The whole is respectfully submitted.

I have the honour to be, sir,
Your obedient servant,

(Signed) GEDEON OUIMET,
*Superintendent.*

The Government granted aid to McGill college, which we know to be a Protestant institution, and the grant has been continued, and the grants have been increased instead of diminished since confederation. They grant McGill University $5,950; University of Bishop's college, in which theology is one of the subjects taught, $2,550; also a grant of $1,750 to another religious institution, I think in connection with the Church of Scotland, Morrin College; St. Francis College, $1,000; the Normal School, established to educate Protestant teachers, gets no less than $13,806. The appropriation for higher education in Quebec alone for those institutions I have named is far in excess of the whole amount allotted for Catholic education in the province of Ontario, though the Protestant population in Quebec is less than the Catholic population in Ontario; but more than that, there are through Lower Canada in the various towns what are known as high schools and special schools for Protestants, at Montreal and Quebec, and Compton and Stanstead, and so on. The total amount paid to the high schools was $3,470. There are more modern institutions called academies; they are to be found at various places throughout the province. The sum of $4,325 is voted by the province of Quebec for these academies under Protestant management. Total amount paid for higher education for Protestants in Quebec, $32,611. That is all in addition to the amounts voted to the ordinary schools of the country, the 900 odd Protestant schools to which I have referred. One would suppose that those facts would have their influence in the province of Ontario; it should have its influence all over this Dominion, the fact that our French Canadian allies are so liberal in their treatment of the minority. They approach it from the statesman's point of view; they recognize the importance of religion's being taught in the schools. Now, can you point to any place in the world where the spirit of toleration is as strong and inherent as in the province of Quebec, where the two classes get on in such a friendly way together? There is no part of the Dominion where the same kindly feeling exists, or where the Protestants and Catholics are more religious in their own way. If you go to Montreal and look in the Protestant churches there, you will find a larger proportion of people than in any similar church in any city in the United States and the reason is that religion there permeates every walk of life. Children are educated and brought up in it. What is the effect of it? To make them intolerant and hate each other? No, the reverse, to make them love and respect each other, to make them recognize that each section has its good qualities and each is doing a work in the com-

munity, and to bring them to be more tolerant and charitable towards each other. You cannot point out to me any part of the world where the same kindly feeling exists between the two bodies to such an extent as it does in the province of Quebec. Surely that is an object lesson that we cannot ignore. These are facts which appeal to the comprehension of every man. You cannot cast them aside. They are illustrations pointed out year by year. Ask the Protestants of Quebec how they feel about it? Let me just read the opinions of some Protestants. I shall read from an official report—the sessional papers of the province of Quebec, a statement by S. P. Robins, LL.D. Principal of the McGill Normal School. He says, and I think these words should go throughout the length and breadth of the land :

I should do less than justice to leading politicians of all shades in this province if I were not to state my admiration of the attitude which they maintain towards education. During an association of more than thirty years with the public education of Quebec, an association which has repeatedly brought me a suitor on behalf of education into contact with men of influence of all political parties, I have found a universal desire for the spread of popular education, a willingness to listen patiently to the view of practical educators, a wide love of fair play for the educational rights of the minority, and a determination to hold the precious interest of education aloof from the turbulent arena of political party strife.

A large portion of that relates to the time when Protestants had no law to protect them and they had to rely simply upon the kindly feeling of their Catholic neighbours, who recognized that they were entitled to all they received. They did not require a law to protect them, but when the question was raised at the time of confederation, Sir George Cartier pledged himself to see that such a law was passed, making it hard and fast. He knew the character of those whom he represented, and the moment Quebec became a province of the Dominion, a law was passed by the local legislature giving to the minority everything that they could possibly desire. I will now read from another sessional paper a resolution moved by the head of the Church of England in that province, and seconded by Sir William Dawson. It is as follows :

On the motion of the Lord Bishop of Quebec, seconded by Sir William Dawson, it was resolved :

That the Hon. Gédéon Ouimet, having on Monday last completed the 10th year of his administration of the Department of Public Instruction in the province of Quebec, the Protestant Committee of the Council of Public Instruction desire to place on record their high sense of equity and ability with which his duties have been discharged and to congratulate him upon the advance which, under his energetic superintendence, education has made, and is making, in the province.

Can there be a higher tribute paid to any man than this which I have just quoted? Does it not speak in eloquent language of the kindly and generous feeling which prevails in the province of Quebec towards the minority? The Hon. Mr. Joly recently visited the province of Ontario, and spoke and addressed meetings at Toronto and Kingston. I should like to read from one of his speeches a tribute that he paid to the majority in his own province. Mr. Joly stands very high in the estimation of all the people in this country as a man of honour, of ability, and of great refinement. He is a Protestant, and speaking recently in Ontario, he said :

As to the educational rights of the minority, he desired to point out that Sir John Rose, in the debate of 1865, on Confederation, had shown that the right of separate education was accorded to the Protestants of Quebec before the Union, when they were in a minority, and entirely in the hands of the French-Canadian majority. The distribution of the State funds for education under that condition of affairs was entirely satisfactory. A like statement was to be found in the report of the Commissioner of 1890 on the education of the minority in Quebec. During all those years there had been the same liberty, the same justice to the minority.

He goes on to quote, that in certain of their institutions one could not gain the advantages, in a medical or legal course, that were possessed by some of the Catholic universities, but when attention was called to it an Act was passed, putting the Protestant universities on the same level as the University of Laval, which has removed every possible complaint which could exist. And now, I should like to draw attention to the opinions in England on this question of whether it is best in all schools that we should give our children some religious instruction. This question has excited a good deal of attention in the mother country, and in 1886 a royal commission was issued and a number of distinguished gentlemen, representing the different churches, were asked to take up the question of education and report upon the subject. On that commission were the Earl of Harrowby, Earl Beauchamp, Frederick Bishop of London, Cardinal Manning, Baron Norton, Sir F. R.

Sandford, Sir John Lubbock, and a large number of the leading men of the day. That commission occupied some two or three years in its inquiry and made a most exhaustive report. They took up this question of education, not only as it affected the three kingdoms, but also as it affected all Europe, the United States and Canada, and I will read a few of their conclusions in regard to this question of religious instruction. I will just read an extract or two from their report. They refer to the fact that in France and other countries where religion has been proscribed in the public schools, these schools are deserted and private schools are established, although they are taxed for the support of the public schools. They say :

As to religious instruction in the public schools, it is not given in France, Holland, and Italy (but in Italy religious instructions may be given, if asked for outside of school hours). In Geneva and Neufchatel the instruction is secular. In Berne and Zurich religious instruction is given. In Vaud religious teaching is said to be given from a historical point of view. In Ticino, religious instruction is not compulsory, but in all the schools of the canton the priest of the parish teaches the catechism of the Roman Catholic Church in the ordinary school hours.

In Belgium the communes may be given religious teaching at the commencement or at the end of the school hours, but children are exempted, at the request of their parents, from attending such instruction.

In Austria the religious teaching is under the supervision of the church authorities.

In Bavaria religious instruction is part of the curriculum, and is given by the parish priest.

In Holland the school premises may be used, out of school hours, for religious instruction, and in 1885, 620 school premises were used for that purpose.

In Hungary religious instruction is given according to the denomination, the members of the denomination providing it.

In Norway the Evangelic Lutheran religion is taught.

In Prussia religious instruction is compulsory.

In Saxony religion is taught to Protestants by the master, in Catholic schools by the priest.

In Sweden religion is taught, but children of parents who profess a foreign faith may be exempted.

In Wurtemburg, we are told that a third of the whole school time is devoted to religious instruction.

We append to this chapter the replies (sent through the Foreign Office and the Colonial Office) to our circular of inquiries as to the systems of education now in force in the leading countries of Europe, in our principal colonies, and in the United States of America, as regards religious and moral training in elementary schools.

After hearing the arguments for a wholly secular education, we have come to the following conclusions :—

(1.) That it is of the highest importance that all children should receive religious and moral training ;

(2.) That the evidence does not warrant the conclusion that such religious and moral training can be amply provided otherwise than through the medium of elementary schools ;

(3.) That in schools of a denominational character to which parents are compelled to send their children the parents have a right to require an operative conscience clause, so that care be taken that the children shall not suffer in any way in consequence of their taking advantage of the conscience clause ;

(4.) That inasmuch as parents are compelled to send their children to school, it is just and desirable that, as far as possible, they should be enabled to send them to a school suitable to their religious convictions or preferences ;

(5.) We are also of opinion that it is of the highest importance that the teachers who are charged with the moral training of the scholars should continue to take part in the religious instruction. We should regard any separation of the teacher from the religious teaching of the school as injurious to the moral and secular training of the scholars.

What could be more positive or more satistory than that ? The first men of the age, selected from the various churches, meeting together, and knowing the various systems that prevailed over Europe and America, draw those just and fair conclusions. I have quoted from the final report of the commissioners on elementary education, 1888. I should like to add that in our public schools in Ontario, as they were originally established, religion was intended to be taught. I have in my hands one of the early reports made by Dr. Ryerson, who, as every one familiar with Canadian history knows very well, was the gentleman to whom our common schools system is largely indebted for the fundamental principles on which it is based and which have led to its efficiency to-day. He was sent abroad to examine the systems in England, Germany and the United States, and I should like to read a few extracts from one of his reports on this question of religion in the schools. He was a man of very large observation, and one whom I always found free from prejudices and possessed of a fair and just mind. He says :

In France, religion formed no part of the elementary education for many years, and in some parts of the United States the example of France has been followed. Time is required fully to develop the consequence of a purely godless system of public instruction. It requires a generation for the seed to germinate,—a second or third for the fruit to ripen.

However, the consequences have been too soon manifest both in France and America.

The French Government has for many years employed its most strenuous exertions to make religious instruction an essential part of elementary education; and experienced men and the most distinguished educational writers in the United States, speak in strong terms of the deplorable consequences resulting from the absence of religious instruction in their schools, and earnestly insist upon its absolute necessity.

The practical indifference which has existed in respect to the Christian character of our own system of popular education is truly lamentable. The omission of Christianity in respect both to schools, and the character and qualifications of teachers, has prevailed to an extent fearful to contemplate. The country is too young yet to witness the full effects of such an omission,—such an abuse of that which should be the primary element of education, without which there can be no Christian education; and without a Christian education there will not long be a Christian country.

On a subject so vitally important, forming, as it does, the very basis of the future character and social state of this country, a subject too, respecting which there exists much error, and a great want of information, I feel it necessary to dwell at some length, and to adduce the testimony of the most competent authorities, who, without distinction of sect or country, or form of government, assert the absolute necessity of making Christianity the basis and the cement of the structure of public education.

The sentiments of English Protestant writers, and of all classes of British Protestants, are too well known to be adduced in this place; and the fact that the principal objection which has been made on the part of the authorities and members of the Roman Catholic Church to certain colleges proposed to be established in Ireland, relates to an alleged deficiency in the provision for Christian instruction, evinces the prevailing sentiment of that section of our fellow subjects.

I have, of course, a good deal of information of that kind, but I do not think it is quite fair to weary the House with it; however, I should like to point out some evidence that Dr. Ryerson's prophecies have been to a considerable extent fulfilled in the Eastern States, where this system of separating God from the schools was first introduced. An article in the Boston *Evening Post* contains the following: In an address delivered by the Rev. Dr. Shaw, he—

urged the recognition of religion in both schools and universities. He regretted the growing tendency to secularism which is now appearing in the present reaction against separate schools and advised the leaders of the movement in Manitoba and Ontario to be careful least while they ask for bread they find they are getting a stone. He quoted from the transactions of the Presbyterian Synod of New York showing the alarming growth of secularism in that state, as illustrated by the fact that in some cities the Bible is never read in the public schools. In nine cities prayer is never heard and in fifteen religious instruction is positively forbidden, and in 1884 the State Superintendent officially decided that religious exercises cannot be permitted during school hours. The preacher considered the local option principle now recommended for Manitoba as no safeguard against secularism. He pleaded for greater interest in educational work in the Methodist Church, stating the gratifying signs of progress which exist.

Evidence of the decline of religion among the people who remain is hardly less abundant or less truly official. A late number of the Hartford (Conn.) *Religious Herald* quotes the Rev. Dr. Emory J. Haynes of the Boston Tremont Temple as saying, "We have raised a generation of infidels on the hill-sides of New England. They are the worst heathen that I find in Boston. This cold agnosticism bred in New England is the most indigestible thing that we have to do with. The saddest thing in New England to-day is the old country churches falling in, and the people abandoning all forms of religion." To which the Rev. Dr. A. J. Gordon added: "What Dr. Haynes says is true.....I believe more and more in the local church. That is our main dependence, the local church." And the Boston *Watchman* says: "The recognition of both the Boston pastors above-named is worthy of especial notice, particularly so as relates to the position which is here maintained as to the central and the necessary importance of the local church." The Immigration Commissioners may populate the "abandoned farms," but they cannot prevent "the old country churches falling in, and the people abandoning all forms of religion"; their scheme is not likely to touch, even indirectly, "the saddest thing in New England to-day."

I have a great deal more material of the same kind which I do not wish to inflict on the House, because any hon. gentleman who desires to pursue that subject knows very well where to find abundance of evidence similar to that just quoted, not merely from Catholic authorities, but from Protestant sources. I may, however, quote a pastoral issued on that subject a few days ago by the Bishops of Quebec. It is as follows:

The parents who have received children from God with the authority to bring them up properly; the pastors whose duty it is to teach and to enforce the divine law; the heads of the state, whose duty it is to support intelligently and efficiently the pastors and parents; the educators of children whose mission is to complete in the schools the work of the parents; all those who love the church and their country must have it to heart to see that the education is sound, and such as to form excellent Christian, honest, virtuous and learned citizens, devoted to their country.

Over the schools, which are founded by private initiative or by the state, it is duty of the church to exercise an attentive oversight, in order to exclude any teaching, which might be contrary to Catholic doctrine. Moreover as religious education should progress by the side of intellectual culture, the ecclesiastical authorities can and should require that no one destined to the teaching of the Christian doctrine shall be chosen and appointed without the ratification of previous approval of those whom Jesus Christ has intrusted with the care of preserving intact the sacred deposit of faith.

* These sacred rights of the church it is our duty and firm intention to maintain in all their entirety. No doubt, very dear brethren, in a mixed society such as ours, that is composed of widely differing religious elements, it would be difficult to expect that people will recognize in the Roman Church certain prerogatives which it might enjoy in an exclusively Catholic country. The Catholic church, whose origin on this continent, dates from the cradle of American civilization and which has not ceased during more than three centuries, through its apostles and missionaries, to spread the light of Christianity over this country, can legitimately claim without, therefore being saddled with a double school tax, the right of bringing up the children who are intrusted to its care in the faith of their fathers, and of giving to these children an education consistent with the religious principles which they profess. There is in that, we proclaim it, a question of justice, of natural equity, of prudence and of social economy which is intimately connected with the vital interests of this country. The Canadian episcopate has never hesitated, as is well known, to teach on all occasions peace, concord, mutual confidence, a sincere loyalty to the British Crown, and it hopes that, thanks to the wise and firm intervention of our legislators, and thanks also to the fairness and spirit of conciliation of the several elements which make up the population of Canada, the uneasiness which actually exists in certain provinces shall soon be replaced by a feeling of general satisfaction.

These words breathe principles of peace; there is nothing to anger or irritate anybody. It is an appeal on the very highest grounds. I have felt it my duty to make these remarks, because I see that there is to be an attack upon the separate school system in Ontario. At a recent gathering of a very important body, with whose doings the hon. Minister of Trade and Commerce has, no doubt, in the past been very familiar, this declaration on the subject of separate schools was made by the leader of the organization from Ontario:

> There can be no doubt that the people of Ontario are awakening to the fact that the separate school laws at present in force form the most direct violation of these principles. As Orangemen we object to separate schools on principle. We believe them to be unjust to the Roman Catholic people themselves, and we know them to be a source of national weakness and disintegration. I am one of those who believe that all constitutional acts may be amended in harmony with the onward march of progress and the widening consciousness of freedom, from age to age; so I do not admit the truth of the position that because separate schools were continued in existence by the British North America Act they are therefore to exist for ever.

Now, this is a very serious declaration, made by a gentleman who professes to speak for a very large body of people in this country. It is very much to be regretted that he should have gone out of his way to lay down the principle that the separate schools of Ontario are to be attacked, and that he should draw to his aid a society that has recently been established for the avowed purpose of putting down Roman Catholicism. He heads one part of his address with these significant letters, "C.P.A.," and proceeds to say:

> It gives me much satisfaction to note the rapid growth of other organizations, notably the Sons of England and the Canadian Protective Association, whose advocacy of the principles of Protestantism is evidently sincere. While one of these associations has been fiercely attacked recently, we should remember that Orangemen too have been grossly misrepresented, and we should therefore not believe the exaggerated statements made by interested enemies about any other society with aims of a charter similar to our own. We should certainly sympathize with, and as far as possible co-operate with, any society whose great purpose is to prevent an organized hierarchy from ruling free America in accordance with the dictates of the Pope.

Now, those two societies are said to be increasing in numerical strength and are attacking our school system, if one is to believe the statements that appear about them in the newspapers. I am exceedingly sorry that the Orange order has seen fit to take up the cudgels. If they will look at the early records of the society, they will find that those feelings did not prevail in days gone by. It was my fortune to sit in Parliament with the first, second and third grand masters of the Orange organization, and, perhaps, the fourth. I knew Ogle R. Gowan, who was the first grand master, and established Orangeism in Canada. I was in Parliament with him, and I may say that I never found in him any of that intolerant spirit that is manifested in the extracts that I have just quoted. On the contrary, I can show that in a division on this separate school question, even Mr. Gowan voted with me. His successor, Mr. Benjamin, always voted with me on those semi-religious questions. Mr. Anderson, who was the Grand Treasurer of the order, and whom I knew very intimately, voted with me. It so happened in the old Parliament of Canada, that it was my lot to take charge of a good many bills of a semi-religious character, and Mr. Benjamin and Mr. Anderson, as a rule, supported me in those measures. I found no intolerance in them; they were respected by the order, and they kept the order in subjection and good temper. The Hon. John Hilyard Cameron, once a grand master, recorded many votes in Parliament in support of

minority rights. I mention this to show that the intolerant spirit which is now manifested did not prevail in those days. Those of us who were in Parliament were good friends, and when those semi-religious questions came up, they did not separate us. Why is it that we have fallen on such bitter times? Why is it that intolerance is left to our day and generation? I suppose it all springs from this unfortunate Manitoba question, which is creating discord and impairing the harmony which should prevail throughout the Dominion. I do not want to take up too much of the time of the House, but those two motions having been moved together, I will dispose of any observations that I have to make on the second one, the school question in the North-west Territories. I had the honour of being a member of the Government at the time the Act relating to the North-west was passed, and I know what was intended. Certainly, it was intended in passing the Act of 1875, that it was to be a charter for all time to come, so far as the school question is concerned. At the time, there were not very many people in the North-west. The largest portion of the population at that time were Catholics, but since then, the Protestant element has largely increased, and outnumbers the Catholics. But the intention in passing that Act was to make permanent for ever the rights of the minority to separate schools. When the draft of the bill was brought in first, the educational clause was not included. Mr. Blake was not then a member of the Government—he had gone out, and I should like to draw attention to Mr. Blake's observations on the omission of the educational clause, from the Act relating to the North-west Territories as it was originally drafted. Mr. Blake said :

> He regarded it as essential under the circumstances of the country and in view of the deliberation during the last few days that a general principle should he laid down in the bill with respect to public instruction. He did not believe that we ought to introduce into that territory the heart burnings and difficulties with which certain other portions of this Dominion and other countries had been afflicted. It seemed to him, having regard to the fact that, as far as we could expect at present, the general character of that population would be somewhat analogous to the population of Ontario, that there should be some provision in the constitution by which they should have conferred upon them the same rights and privileges in regard to religious instruction as those passed by the people of the province of Ontario. The principle of local self government and the settling of the question of public instruction seemed to him ought to be the cardinal principles of the measure.

What did Mr. Mackenzie say? He was then Premier and had charge of the bill. He said :

> As to the subject of public instruction, it did not in the first place attract his attention, but when he came to the subject of local taxation he was reminded of it. Not having had time to insert a clause on the subject, he proposed to do so when the bill was in committee. The clause provided that the Lieutenant-Governor by and with the consent of his council or assembly as the case might be, should pass all necessary ordinances in respect to education, but it would be specially provided that the majority of the rate-payers might establish such schools and impose such necessary assessment as they might think fit; and that the minority of the rate-payers, whether Protestant or Roman Catholic, might establish separate schools; and such rate-payers would be liable only to such educational assessments as they might impose upon themselves. This, he hoped, would meet the objection offered by the hon. member for South Bruce.

Sir Donald Smith, who represented a constituency in that country, and, of course, knew a great deal about it, alluded to it in his speech. He said :

> The point brought up by the hon. member for South Ontario was an important one and he was glad to find that the First Minister intended to introduce a provision in committee, dealing with the subject.

Mr. Mills also spoke on the subject. He said :

> There was another matter it seemed to him ought not to be disregarded; and that was the terms and conditions under which these people would ultimately be formed into a province. It would be better that the people who settle in that territory should know beforehand under which they would become an organized part of the Dominion. He saw no objection when the population became sufficiently large to allow that territory to be represented in the Dominion Parliament before it was organized into a province.

Further on, he said :

> That country was taken possession of by the French. They established forts at several points in the Red River Territory and the most western fort was at the Forks of the Saskatchewan. They had appointed Captain La Corne to govern the territory under a license from Quebec. The whole country was occupied by the French Government as a part of Canada, and was made by the Order in Council of 1791, part of the present province of Ontario. The late Government had organized the province of Manitoba within those limits.

There was no further debate—no one made any proposition to oppose it. Now, it will

be observed that in that debate not a single French Canadian or Roman Catholic uttered a word. The whole debate was carried on by Protestants, gentlemen who felt that they were only doing what was fair and just, and that the principles they were enunciating were those which would be in the best interests of that country in the future. It was not necessary that there should be any appeal to them to protect the rights of the minority. Their own sense of what was right and honourable, having in view the conditions under which we live in this country, prevailed. The bill went into committee and no opposition was offered to it. It was referred to in the press, but no one took exception to it—as Mr. Mills said, it was well that people should know before going into that country under what conditions they were going there. The Hon. Geo. Brown was then a member of this House. He had always opposed separate schools, but once they were established, Mr. Brown never again interposed—he never sought to break up the system. He was conscientiously opposed to the initiation of the separate school system, and in 1862, when the particular bill to which I have already alluded was passed, he opposed it, but after it became law he was most anxious that it should be worked out in the way best suited for those for whom the law was enacted. In 1875 I had charge of the North-west Territories Bill in this House and the subject was fully discussed here on that occasion. I think it was Mr. Aikins who moved to strike out the 11th clause. Mr. Brown, Mr. Miller and myself also spoke. I have already quoted a part of Mr. Miller's speech; I do not think it is necessary that I should quote any more of it—it was all in the same direction, that Parliament had a right to lay down a fixed principle now, when they were establishing a new government in the North-west Territories. He referred to the fact that we had settled the question as far as Manitoba was concerned, and it was desirable that it should be settled so far as it applied to the North-west Territories. What did Sir Alexander Campbell, who was then leader of the Opposition, say? He said:

> It would be much to be regretted if the amendment passed. The subject of the bill was to establish and perpetuate in the North-west Territories the same system as prevailed in Ontario and Quebec, and which had worked so well in the interest of peace and harmony with the different populations of those provinces. He thought the fairer course, and the better one, for all races and creeds, was to adopt the suggestion of the Government and enable the people to establish separate schools in that territory, and thus prevent the introduction of evils, from which Ontario and Quebec had suffered, but had judiciously rid themselves.

It is clear Sir Alexander Campbell understood that the bill perpetuated the system of separate schools as they existed in Ontario and Quebec. What does Mr. Brown say? He says:

> By this bill they might raise the very serious issues in the North-west which had proved so troublesome to Quebec and Ontario. No one would regret this more than he, and for this reason he would support the motion of the hon. member for Peel. The moment this Act was passed, and the North-west became part of the union, they came under the Union Act, and under the provisions with regard to separate schools.

After discussion the House accepted it as a finality. The House of Commons had accepted it unanimously, and this House on a division after discussion. After the defeat of the Mackenzie Government, the question came up again several times and everybody considered it a settled matter, and no one suggested that it should be reopened. The bill was introduced in the House of Commons on the 13th of March and it stood over until the 1st April, so that the country had ample opportunity to give expression to its views, if anybody thought it was important enough to arouse the people and excite an agitation against it, but so far as I can find, the press and the people took little or no notice of it. Attention was called to the Act in this House in 1876. The Hon. Mr. Haviland presented a petition from Prince Edward Island, objecting to separate school in the North-west, but this House simply sat upon it and would not consider the matter. He was called to order, I think, at the time. It came up again in 1886, when Mr. Girard made the speech to which I have just alluded, and congratulated the House on having settled the matter so satisfactorily in the case of Manitoba. It came up again in 1887, and in 1888, after which the question was allowed to rest until Mr. McCarthy brought it to the notice of the House of Commons in 1891, when he moved the motion against the dual language and the separate schools.

I am afraid I shall have to ask the forgiveness of the House for having kept them too long on this subject, but really it is a very important one, and it is just possible that some of the facts to which I have drawn

attention may have the effect in some way of quieting public agitation. I shall be very glad if it has that effect. I have not pointed out in any way how I think a remedy can be provided. I do not think it wise or prudent at this stage to enter upon that discussion. It is unfortunate that when the question first came up the agitation was not nipped in the bud by a veto. I think if it had been, no agitation would have arisen, that it would have been accepted as a right and proper thing to do. I will do the Government the credit to believe that had they supposed the final determination of the Privy Council would have left us in the ditch as it has, they never would have permitted it to go there. But no public man who understood that question thought it was possible for any tribunal on earth to come to the absurd conclusion the Privy Council has—absurdly illogical, absurdly contrary to the facts, absurdly in ignorance of the condition of things existing there. All gentlemen who are at all familiar with the two Canadas know this very well and understand it. There is no mystifying any such gentleman as to what denominational schools or separate schools mean. Unfortunately the Privy Council did not possess that knowledge. It would really amuse hon. gentlemen, if they would take the report and wade through it as I have and read some of the arguments upon it, and the absurd questions that were put to counsel by the members of the Privy Council utterly ignorant of the conditions of the federal system. They do not know on the other side the A B C of the federal system. Since this Home Rule question has come up they are beginning to learn something about it, but when Mr. Gladstone's bill was introduced in 1886, even Mr. Gladstone himself could not comprehend the federal system when he proposed to exclude the Irish members from the British Parliament. That was his idea of granting home rule. Any statesman in Canada could have told him that it was not in conformity with the federal principle to leave Ireland unrepresented in the Imperial Parliament. If Mr. Gladstone had had a Canadian statesman at his elbow, he would not have landed in such a predicament as to have a federal parliament with no representative from one member of the union. Of course they have since learned more about federal and provincial autonomy, but they did not understand it then. I have thought, myself, that there was one way in which this question might be solved. Hon. gentlemen are quite aware that we have a very large area of lands for the benefit of the schools in Manitoba and the North-west. We have kept control of those lands ourselves. They have not passed under the jurisdiction of the local authorities that I am aware of.

Hon. Mr. BERNIER—You are right.

Hon. Mr. SCOTT—When I was a member of the Government, I always said that I did not think it was prudent that those lands should fall into the hands of the Provincial Governments at this period of the history of the country. In Michigan, we know of the magnificent provision they have made for higher and elementary education. We can do the same for the North-west without injustice to any interests. We can give to the public schools of the North-west all they require, enrich them, and there will still be enough left to satisfy probably, the supporters of separate schools. That may be the solution of the difficulty. I have not consulted anybody in giving expression to this view, but it did occur to my mind that the spirit that prevails, unfortunately amongst the people against the separate schools, may be too strong a tide to stem at present. I quite recognize the position and acknowledge the difficulty existing at present, but I have thought that possibly, that was the way to solve the problem. There is an abundance of land still unallotted in that country sufficient to place education in Manitoba and the North-west on a very high plane, and there are millions of acres that will be worth millions of dollars in, I think, not too distant a future. Those lands can enrich higher and elementary education if properly distributed, held until their value goes up, as the Canada Company held their lands formerly in Canada, until population went in and gave an increased value to them. Lands that away back in the thirties and forties could not be sold for 25 cents an acre, afterwards sold for $15 and $20 an acre. History will repeat itself in the North-west. The time is coming when the United States will have to depend upon the North-west for their food supply. I hope we will live to see the time when lands in the North-west will realize good prices, when as we have made liberal allotments for school purposes, statesmen in the future may see their way to protect the

minority rights in that way from the interference of their intolerant neighbours, if a better feeling does not ere then arise. I hope that this wave of intolerance which is now sweeping over Ontario and the west will pass away; I have no doubt it will. I have seen it before. Anybody who looks back for a period of years knows that from time to time just such expressions of bigotry have arisen in the community, but they were short-lived. Yet they did much mischief at the time, and in some instances they left bitter feelings behind. I am in hopes that a better day is dawning in the country and that these questions, difficult now to deal with, will at a latter date, under the control of other men, be solved in a way satisfactory to all parties. That is my sincere wish. I hope that that may be the result. I desire, as we all desire, to see nothing but peace in the country; we will have peace whether the minority are deprived of their rights or not. They can bear the loss with fortitude and resignation, but I do not think it will be pleasant for the majority in the country to feel that "Owing to a decision which is unjust, the minority are deprived of certain rights and they never more will enjoy them, although they were promised them by the majority." I do not say that the minority will feel aggrieved with the majority, but they will feel that they were not treated fairly, not treated on an equal basis; but the same friendship will prevail and we will all join in making this country one of the finest in the world. Yet there will always be the remains of that feeling that in an important matter, affecting rights that are dear to the hearts of the minority, they were deprived of those rights by foul play, not by British fair play. They will feel that had this question been relegated to the Sovereign, as questions of this kind a thousand years ago were, it would have been decided very differently and I think it ought to be the occasion of our once and for all cutting off any appeal to a court made up of judges who do not seem to understand the questions arising under our constitution. It is simply a sentimental matter, referring a question to Her Majesty, when we know that she takes no part in its settlement, and we know there is not the same care exercised in the Privy Council that there is in our ordinary courts. And we know the Judicial Committee cannot possibly be as familiar with the correct interpretation of questions arising under our statute law and more particularly under our constitution as the judges of the Supreme Court of Canada are; and I think it would be prudent in the future to restrict appeals to that court and especially that references under the Supreme Court Act should be limited to that court. The prestige of the Judicial Committee of the Privy Council has now gone, at least in the opinion of the Catholic minority of Canada, and they should mark their sense of the wrong thus inflicted on them by advocating that the reference of similar questions to the Supreme Court hereafter should be final.

Hon. Mr. POWER.—I am not going to discuss the question of Privy Council with the hon. gentleman, but the court of Manitoba decided the same way.

Hon. Mr. SCOTT—That court divided according to religious belief. I presume the popular prejudices of the province had their influence at the time. The Supreme Court rendered the judgment that was in harmony with the interpretation of the Manitoba Act given by those who framed the Act and by the Parliament that passed it.

Hon. Mr. LOUGHEED moved the adjournment of the debate.

The motion was agreed to.

## THE INSOLVENCY ACT.

Hon. Mr. BOWELL—A number of applications have been made for drafts of the Insolvency Bill. I have received an application also from the Board of Trade; and with the unanimous consent of the House I will now move that 2,500 copies be printed for distribution.

The motion was agreed to.

The Senate adjourned at 6 p.m.

## THE SENATE.

*Ottawa, Thursday, 5th April, 1894.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## PETITIONS FOR PRIVATE BILLS.

Hon. Mr. MACDONALD (B.C.), from the Committee on Standing Orders and Pri-

vate Bills, presented their second report. He said: I desire to inform the House that the time for receiving petitions for Private Bills expires to-day. The committee have not recommended any extension of time, because the House of Commons has made no extension of time. Whether we ought to extend the time or not I cannot say, the House might express an opinion on the subject.

## FREIGHT RATES ON THE CANADIAN PACIFIC RAILWAY.

MOTION.

Hon. Mr. BOULTON moved:—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a schedule of the passenger and freight rates of the Canadian Pacific Railway Company, including the rates from St. Paul and Minneapolis to the seaboard, now in force.

He said: In the North-west as you are all aware we are dependent entirely on railway communication for our means of transit. Hon. gentlemen who live down by the sea in the Maritime Provinces or in the provinces of Quebec or Ontario where they have ocean navigation and a fine system of inland navigation to supplement and compete with their railways for transporting their produce to foreign markets or from one part of the country to another can hardly realize what it is to reside in a country where we have to pay railway freight rates varying from 1,000 up to 2,000 miles which is the case in the country I reside in. The effect is such at the present moment that the province of Manitoba is feeling a depression beyond anything it has felt since it became a province of the Dominion. The financial position it has been brought to in consequence of a variety of circumstances, the low price of produce, the excessive freight charges and the exceedingly high prices we have to pay for all the necessaries of life through the protective tariff, as I have explained to this House on a previous occasion. What I am dealing with just now is the question of freight rates. It is a question that is severely felt by all classes, Conservative and Liberal alike, mercantile interests, farmers, cattle raisers, and every one are feeling the oppression of the excessively high charges that we have to pay on the goods coming into the country, and the transport of our produce out of it. It is not a question of paying freight rates which are equal over the whole country, but it is a question of paying freight rates which are discriminating against us in our efforts to earn our living far beyond what other portions of the country or neighbouring centres like St. Paul or Minneapolis have to pay. It is a sense of injustice that is meted out to us, not a sense of oppression which may be caused by circumstances over which we have no control. The question resolves itself down into the fact that the distribution of the profits of the labourer in the North-west country are not fairly and equitably adjusted, as between the tillers of the soil who produce the traffic that so largely supports the Canadian Pacific Railway and the capital that demands dividend for the shareholders from the people. It resolves itself into that question. Now, hon. gentlemen will understand that petition after petition have been sent to Mr. Van Horne, president of the Canadian Pacific Railway Company, representing to him from boards of trade, from farmers' meetings and from the patrons of industry—from all parts of the North-west as to the difficulties they labour under. The answer universally made by Mr. Van Horne was that it is essential to the success of the Canadian Pacific Railway that the dividends of the company shall be maintained in order that its credit may be kept up. Now, I take issue with the president of the Canadian Pacific Railway on that point because it is open to question as to how far dividends should be, 2, 3, 5 or 6 per cent as the case may be. The Canadian Pacific Railway credit does not suffer until fixed charges are not met, and there is about $3\frac{1}{2}$ million dollars of net revenue over and above interest on fixed charges. What I contend is so far as the Canadian Pacific Railway is concerned it is a great national institution and which I would not willingly injure in the credit of the world or in any way that would be likely to impair its usefulness, but there is a point beyond which a suffering people cannot go and when it comes to be a question of the dividends payable to the shareholders of the Canadian Pacific Railway extracted from the farmers who are producing those dividends then it becomes a matter of equity in which the Government of the country have a right to step in and say there shall be equity in the distribution of the earnings of the people, who are earning money for the country and distri-

buting it throughout the various channels throughout the country. Now, hon. gentlemen will understand that the Canadian Pacific Railway company have shares amounting to $65,000,000, that these shares were granted to the Canadian Pacific Railway company, 45,000,000 of them, I think I am stating it correctly, at 25 cents on the dollar, and, further than that, the Dominion Government received from the Canadian Pacific Railway—which I presume was from the proceeds of a portion of a sale of these shares—$20,000,000, and deposited this amount with the Dominion Government to be paid out during the last ten years at the rate of 3 per cent interest in order to maintain by the guarantee of the Dominion Government the credit of the $65,000,000 stock of the Canadian Pacific Railway during construction. Therefore, hon. gentlemen, we are paying interest, or rather the president of the Canadian Pacific Railway, in the answer that he has given to the various public bodies that have petitioned him in regard to the hardships under which they are suffering—the President of the Canadian Pacific Railway is claiming dividends upon stock which was purchased at 25 cents on the dollar, claiming dividends on stock which was appropriated for the purpose of making additional dividends, and in that respect, hon. gentlemen, the country is called upon to pay interest upon interest. Now, hon. gentlemen know perfectly well that in private life if an individual or a corporation or a public body of any kind conducts its business on that plan, there comes a time when something has got to snap. It is utterly impossible for a corporation like the Canadian Pacific Railway to continue to increase the dividend claiming power of their stock, and expect people who are going to supply the traffic and earn the money, to maintain the dividends upon them —there must be a limit at which that has got to stop. As you are all aware, hon. gentlemen, last year the Canadian Pacific Railway got a bill passed through Parliament which empowered them to increase their share capital by $35,000,000 of preference shares. In addition to that, the bill empowered the company to increase their stock to an unlimited extent, subject to the approval of the Dominion Government. Last year the Canadian Pacific Railway had issued $6,000,000 of their preference shares. I saw it stated in the papers that these preference shares were sold and that the money was used to replace a surplus of seven million dollars that was in the treasury of the Canadian Pacific Railway, which surplus had been used for construction of railways, presumably the Sault Line, or some other line the Canadian Pacific Railway Company were engaged in, and that the proceeds of this $6,000,000 of preference shares would release this surplus which would then be available for dividends. Now, hon. gentlemen, these preference shares are a mortgage ahead of the ordinary stock. It is quite evident that the sale of these shares has depreciated the value of the Canadian Pacific Railway stock. These shares were put upon the market and we have seen that the stock has gone down this year 65 per cent.

A VOICE—70 per cent.

Hon. Mr. BOULTON—At any rate the placing of $6,000,000 of preference shares ahead of the ordinary stock, has had the effect of depreciating the value of the ordinary stock; therefore, of their own free will, for their own purpose of paying dividends, they have depreciated the credit of their road, and they cannot contend that in order to maintain the credit of their road, they have to heap an injustice upon the people of the North-west country, in order to maintain the credit of their road by unduly forcing money out of them. The dividends that the Canadian Pacific Railway have of late years paid out of their net earnings have been 5 per cent upon the $65,000,000 of share capital, over and above the fixed charges that are necessary in order to meet the liabilities for bonds and bonded indebtedness of all kinds. Now, hon. gentlemen, that 5 per cent is 5 per cent upon the stock which was sold at 25 cents on the dollar, $20,000,000 of which was deposited in the shape of interest, and paid out to them again in the shape of interest; and that this 5 per cent earnings is for the payment of the dividend upon that interest. Now, on the top of all that, we have again added to the dividend claiming stock of the Canadian Pacific Railway this $6,000,000 that was issued last year, at a fixed charge of 4 per cent for interest. Now, hon. gentlemen, if another $10,000,000 has to be added this year, if another $35,000,000 which the law has empowered is to be added and placed in the shape of a

mortgage ahead of the ordinary stock, and dividends upon that $35,000,000 have to be earned, if the credit of the company is going to be maintained, it is a great deal better that we should look these facts in the face in time, because the Canadian Pacific Railway is a great national undertaking, heavily subsidized by the Canadian Government, a railway company in which every individual in the country is deeply interested both in its success and in its financial credit, and I realize that, if the financial credit of the Canadian Pacific Railway should go down, in the way that the financial credit of railway companies in the United States has gone down, by loading down their railways with watered securities it will affect every nook and corner in Canada equally, and therefore I say we are interested in pointing out to the Canadian Pacific Railway, where we think their financial methods are wrong and are likely to lead to disaster, if not to them, at any rate to the country. Honourable gentlemen must agree with me, I think, in all fairness, that 5 per cent upon shares that were obtained at this low price, shares that had been obtained in the shape of dividends, is an excessive charge for a stock of that kind. When I say a stock of that kind, I say that the Canadian Pacific Railway stock is a permanent stock ; that, as long as Canada is Canada the wheels of the Canadian Pacific Railway will go round. As long as the wheels of the Canadian Pacific Railway go around, its earning power will be maintained more or less according to the prosperity of the country, and when the Canadian Pacific Railway attempt to take 5 per cent out of the earnings of the people in the North-west, and I say it advisedly, because there is discrimination against them in the rates, and the extraction of high dividends is made, when the population of the North-west is only some 250,000. I say, gentlemen, it is grinding it out of a few people —out of a weak country—an undue proportion of their honest and hard earned gain, and there should be some means taken in order to check the Canadian Pacific Railway in that policy. I say that the Canadian Pacific Railway company should be willing to wait upon their profits and be satisfied with 2 per cent until the volume of trade increases as the country progresses ; that they will insure the credit of their company to a far greater extent than they insure it under the system they are pursuing at the present moment. I thoroughly believe that the stock of the Canadian Pacific Railway is going to be an exceedingly valuable stock, that its earning power will some day, without any injustice to the people of the country, reach 5 per cent interest, but that 5 per cent interest cannot be got out of 250,000 people. They have got to wait until there is a million and a-half of people in that country, and when there is a million and a-half of people in that country producing from the soil and distributing the trade that will be distributed, then, I say that the shares of the Canadian Pacific Railway and the dividends of the Canadian Pacific Railway will accrue to them in an honest and just manner, which I regret to say, is not accruing to them in an honest and just manner at the present moment, and I speak with all knowledge of the feelings of the people in that western country, who are suffering the burdens under which they lie, the burden of discrimination in rates. People who do not want to see the dividend claiming power of the shareholders increased in any way against future earnings by adding to their share capital for any thing, except legitimate and economical construction. I see by this year's report that the fixed charges for interest have increased by nearly seven hundred thousand dollars in two years. If it was a case that the rates we were paying for our traffic and for our trade, were the same all over Canada, I have not a word to say about it, because there is justice then ; but the point is that we are charged two, three and four times higher in some cases, than are charged in other portions of the line. Now, I would read to you, hon. gentlemen, from a paper published in Winnipeg, the *Nor' Wester*, I may say that the *Nor' Wester* is a paper now edited by the former editor of the *Winnipeg Free Press*, who lost his position on the *Winnipeg Free Press*, and has started another paper in opposition to the Canadian Pacific Railway, who are the chief shareholders in the *Winnipeg Free Press*, so I am not quoting this for anything more than it may be worth at the present moment, though I believe in its accuracy. The paper says :

> On first class goods the C. P. R. charges its American patrons from New York to St. Paul $1.15 per 100 pounds. It charges Canadians from Montreal to Winnipeg, $2.09 per 100 pounds—the distance being practically identical, 1,400 miles and

1424 miles respectively. Now, this is a comparison of the charges between St. Paul and New York on the one side and Winnipeg and Montreal on the other.

On second class goods, it charges the Americans 99 cents and the Canadians $1.77. On third class goods, it charges Americans 78 cents and Canadians $1.40—very nearly double. On fourth class goods, it charges Americans 52 cents and Canadians $1.08, very nearly double. Of fifth class, Americans 44 cents and Canadians 89 cents.

Now, these are the charges, according to this paper that are made, distances being comparatively the same. The comparison is made between the rates from New York to St. Paul and the rates from Montreal to Winnipeg. It goes on to say :

On lumber the Canadian Pacific Railway charges from Rat Portage to Winnipeg, 15½ cents per 100 lbs. From Ottawa to Montreal, practically the same distance, it charges 5 cents per 100 lbs. There is three times as much to carry lumber to the North-west as it carries lumber between Ottawa and Montreal, for the distance being very nearly the same. The rate from Rat Portage is equivalent to $3.50 or $4.00 per 1000 ft, according to the condition of the lumber : the rate from Ottawa is equal to $1.25 per 1000 ft.

The people of Manitoba are made to pay an excess of $2.50 on every 1,000 feet of lumber they purchase ; a contribution to the extortion of the the Canadian Pacific Railway.

In consideration of the enormous subventions in aid of the road, amounting to $75,000,000 or $100,000,000—some estimates are even higher—it was understood that the Canadian Pacific Railway would deal liberally in freights, especially to the North-west, and more especially on such necessaries as coal.

From Fort William to Winnipeg the Canadian Pacific Railway charges $3 per ton on coal, both hard and soft. From Duluth to St. Paul the charge is $1.50 per ton of hard coal and $1 per ton, soft. Duluth occupies to St. Paul the same relative position as Fort William to Winnipeg. The Minnesota rate is exactly half what we pay on the high priced coal and exactly ⅓ on the other. The Minnesota roads discriminate in favour of the poor man's coal. The Canadian Pacific Railway charges the same rate on both.

The Canadian Pacific Railway charges Manitoba farmers for carrying their wheat from Manitoba to Montreal 46c. per 100 lbs. It carries Minnesota and Dakota wheat from Minneapolis to New York for 32½c. ; in other words it charges Manitobans 40 per cent more than it charges Americans.

My object in asking for this information is to have the rates laid on the table in order that we may be able to see for ourselves whether the discrimination complained of does really exist and to what extent. There are other complaints—for instance, that traffic is carried from New York to Vancouver for less than it will be carried from Winnipeg to Vancouver—that is to say, it is carried double the distance for less than it is carried from Winnipeg to Vancouver, merely because there is no competition. Now it is impossible for that western country to develop—impossible for us to get up effective competition with the Canadian Pacific Railway, and therefore we owe it to ourselves to devise means by which justice will be meted out to the people of the province who supply the traffic and consequently the dividend earning power of the Canadian Pacific Railway. I may say that the policy of the Canadian Pacific Railway is detrimental to the interests of the country in so far as its policy of high rates is driving a great many men away from tilling the soil. When a man in the North-west country produces a $100 worth of wheat he is adding that amount to the wealth of the country. Between the places of production and the sea board it is distributed as it paases through the country among the people. Last season a young man, a thorough type of a young Canadian farmer, 25 years of age, who had never been off the farm in his life—a sober, healthy and industrious man—came to me and asked me if I could help him to get a position on the Canadian Pacific Railway as a wiper—that is the lowest position on the road working up to the engineer. I said "How is it that you are leaving your farm" He replied "I cannot make it pay." I said "If you cannot make it pay, who can? Have you not had a good crop? He said? "Yes, I raised 1,400 bushels of wheat last season and sold it for 42 cents per bushel and hauled it to Whitewood, a distance of 23 miles." Any one can understand that a man who raised and hauled 1,400 bushels of wheat that distance did a good year's work and for that he received altogether $588, out of which he had to pay for the expenses of his family for his binding twine, his machinery, thrashing bill, cost of marketing and everything used in the production and marketing of his wheat. When he came to figure out the result of the season's operations he found that he had virtually worked for nothing and was left in debt and he said "I prefer to get a job on the Canadian Pacific Railway. I know what I am doing when I get a job there."

Now there was a producer of $1,400 of wealth to Canada, of which he only got $588. The distribution of that $1,400 between his farm and the point of consumption was a

benefit to everybody, whereas he wished to transfer himself from the soil to become one of those who earned only a portion of that $1,400, and the country was going to lose the benefit of a highly skilled producer. Now that is going on in the North-west at the present moment to a very great extent. The Canadian Pacific Railway Company have reduced their rates hardly at all. We know the price of wheat has fallen, and although Mr. Van Horne, in one of his replies last year, stated that the price of wheat would go up or he would consider himself a false prophet, he has failed in his prediction, because the price of wheat has not gone up, and more than that, I can see very little hope of any material rise in the prices in the near future. The Argentine Republic is increasing its output of wheat enormously every year, as other nations are doing, and there does not seem to be any indication of a time within a reasonable period when the prices in wheat are likely to rise. The salvation of the North-west is in the economy with which our farming can be carried on. We have always believed, and do still believe, that our No. 1 hard wheat is worth 15 cents more than any other wheat; we have had practical proof of it through testing it in the bakeries; but that value of 15 cents does not stay with us, it is absorbed by the monopoly, protection and the Canadian Pacific Railway together exercises over us. If the present state of affairs goes on, there will be great disappointment to the people of Canada generally as to the position of the province of Manitoba and the North-west Territories. I will admit that in the North-west they do not feel it to the same extent that we do, because there is a considerable amount of Government expenditure on the mounted police and the Indian Department amongst a smaller population, but in the province of Manitoba and those portions of the North-west where they are thrown entirely on their own resources—we can obtain nothing for our families but what we produce from the soil and sell at those prices. I leave it to hon. gentlemen to see for themselves what prospect there is for advancement or encouragement to remain in the country under such conditions. Farming is the only occupation we can engage in—there is nothing else at present to which we can turn for employment except we look for situations on the railways or in the mechanical or professional walks of life in which we become consumers instead of producers. It is the interest of Government and of this country to look into this matter and to act as arbitrators between the people of that great western country and the Canadian Pacific Railway Company, whose powers are excessive. They have the power to exact a revenue of $20,000,000 a year. That is an excessive power and whether it is used in a mild and just manner to all concerned is a matter of great moment to the Dominion. For that reason I have thought it advisable to bring this question up and ask the Government to lay upon the table a statement of the rates on the Canadian Pacific Railway at present in force in order that we may examine them for ourselves and present our views to the Government and to the railway committee of the Privy Council as to what extent discrimination against us does there exist and what injustice does oppress the people. A railway commission it is possible would be the best mode of dealing with that matter in the future. However, in the interim before a Railway Commission is considered we have machinery at our disposal in the Railway Committee of the Privy Council which can be made effective, The Minister of Railways, I believe, notified the Farmers Central Institute or the Patrons of Industry of Manitoba who made complaint of some of the subject matter of my remarks and they were requested to come down here and present their claims and point out to the Railway Committee of the Privy Council wherein the discrimination and injustice existed. Of course it is not easy for men especially at the present time of financial distress in the province of Manitoba to find the means to make a journey of that great length in order to come down and present their claims, but if the rates are placed upon the table and we get the official information, the Patrons of Industry can then take hold of them, and can either make arrangements through some one here to represent them or come themselves and submit their grievance to the Railway Committee of the Privy Council. The Government will then have it in their power to take up the whole question and decide in a manner such as has been done lately in Great Britain, when the Imperial Government took up the case between miners and their employers—between those who are earning the money and those

who are providing capital for the carrying on of the work. We are in very much the same position only on a very much larger scale and controlling greater and more vital interests, and while the miners had the means of self-defence in their strike the farmers have to submit to reactions without redress, except by the means I have pointed out. We have a grand country ; I have nothing to say against it. The possibility of its future is all that has been painted, but there is such a thing as a greed of capital pressing upon the country and nipping its prosperity in the bud and throwing it back years and years, and preventing us from making it such a country as we all hope and expect it will become under Canadian enterprise with all working together, hand in hand for its common good.

Hon. Mr. BOWELL—There is no objection to the adoption of the motion. I may point out to the hon. gentleman that the lists of these freight rates are very voluminous, and it may be some time before they will be prepared in order that the Government may be in a position to lay them on the table, but the Canadian Pacific Railway Company will be communicated with at the earliest possible moment, and as soon as the returns are received they will be laid before the House.

Hon. Mr. KAULBACH—I happen to have before me a paper in which appears a letter from the Rev. Mr. Gaetz, who went to the North-west in the autumn of 1883 to see what the country was like. He states :

> My object was to see whether a man in my position with impaired health, limited means and a large family could likely live and rear a family in a fairly respectable way. I returned in April, 1884, with a wife and ten children, a man and maid servant and nurse girl, and am living on the spot where I first drove down my tent pins. At that time there was no railway north of Calgary.
>
> We had much to engage our industry. The soil was rich and productive, the climate, in my judgment, the best in Canada. That does not say that we have not at times severely cold weather. Nor does it say that we can grow all the vegetables, or many of the fruits that can be grown successfully in some other parts of Canada. But the atmosphere is dry, the winters are short, many of them very mild, so that cattle and horses are absolutely independent of the stall, except, of course, working teams or milch cows. Hay, however, is abundant, so that in more severe winters, or a cold snap, or storm in mild winters, feed is abundant, and no loss need ever occur. The springs are early as a rule. There is a vast preponderance of bright weather. The autumns are long and delightful. The rainfall is under the average for Canada, but for the ten years we have been here we have had no approach to killing drought. There are few severe storms, no blizzards, nor hot winds. Taken all round, it is a delightful healthy climate. We have rich and abundant pasturage, pure water, good supply of wood, an inexhaustible supply of coal. These are some of the natural advantages which seduced us in the early days, and our love to the country has not decreased with the years. As civilization has come to us in the forms of post office, school, church, society, railway, law and order, open accessible markets, the best all-round prices for farm produce anywhere that I hear or read of—why should I think less of this great inheritance which God has given to loyal Canadians, and the people of all the earth who are willing to become loyal Canadians—part of the greatest empire on earth ?
>
> The country still has room for bona fide farmers, with a little capital and a whole lot of sense and push, and stay-with-itness ; but for adventurers, ne'er-do-wells, and birds of passage, there is no room. It is particularly adapted to mixed farming possessing every known condition for successful dairying. I am persuaded there is no better country open for settlement to-day.

Hon. Mr. COCHRANE—What part of the country is that in ?

Hon. Mr. KAULBACH—The Red Deer country. I simply read this to show that those who go into that country have little or nothing to complain of. Mr. Gaetz is probably known to many members of this House. He was a very able minister of the Methodist church and I have known him for many years, His friends reside in my country. He his a man of push and industry and a man of economical habits. He does not indulge in luxuries as people generally do in the North-west. In Nova Scotia we know that when people go into the back woods to begin life, they began it in a log hut and live in a very simple way, but in the North-west they often go there with extravagant ideas and live beyond their means and get into debt, and we know what that means in a new country where intcrest is high. My hon. friend talks about discriminating rates against the farmers in the country, but certainly where there is competition as there is in some parts of the North-west the rates are lower. We find that it is the case in the United States. I read an article recently by the ex-mayor of Regina, who has made a special study of the rates in our country and the United States, and in comparing the rates he says that they are not excessive in this country. But these great earnings of the railway and the money

expended in preference stock is for opening up of new branches of railway. It is not the main branch railway of the Canadian Pacific Railway that makes the profit, but the branch railway which the Canadian Pacific Railway has opened up for which this preference stock has been granted and which must operate to the great advantage of the railway and it is from those branches that the great profits, if there are any, must now accrue. I wish to impress on the House and on the country that this North-west of ours is not so handicapped as my hon. friend would lead us to believe. The hon. gentleman may be right as to some parts of the Canadian Pacific Railway—there may be, comparitively speaking, excessive rates, but these are of such a character that I presume they can be fully justified by any information or report that the Canadian Pacific Railway may submit.

Hon. Mr. POWER—I think the honourable gentleman from Shell River was perfectly right to bring this matter before the House. He did nothing more than his duty to the people of the North-west among whom he lives. If the farmers of the North-west continue to raise wheat and do not go into mixed farming as they are advised to do by honourable gentlemen who perhaps do not know as much about farming in the North-west as people who live on the spot—if they raise wheat and find that the grain simply pays its freight to the seaboard, one can readily understand that these people will complain and they naturally come to the government of the country to asked to be placed in a better position. I do not profess to know whether any change can be made or not, but I understand that the rates of the Canadian Pacific Railway may be regulated by the Governor in Council, and I think the honourable gentleman from Shell River is perfectly right in saying that in dealing with this matter we should not regard altogether the dividend earning powers of the railway. The Canadian Pacific Railway is not in the same position as railways built by private capital. This railway has been practically built by the money of the people of Canada, and hon. gentlemen who were here in the session of 1881, when the charter of the company was going through, will remember that the position taken at that time by the advocates of the company was not just the attitude which is assumed to-day. At that time it was contended that we should have a road which was to be for the exclusive benefit of the people of Canada. That was the ground taken. There was, I think, an amendment moved in the House of Commons to the effect that, for the time being at any rate, the company should be allowed to build their road by the Sault Ste. Marie route, and the objection was taken that this was to be an all-Canadian road for the benefit of Canada and that it would be very unpatriotic to allow any portion of the road to run through the territory of the United States. That was a very fine sentiment, and it apparently secured the support of a great majority of members of both Houses at that day. What is the position to-day? We have this state of things, that practically all the great termini of that road are in the United States. The Atlantic termini are in New York and Boston, the Pacific terminus is somewhere in the state of Washington, I think,—I mean the terminus to which the most freight goes.

Hon. Mr. BOWELL—No, no.

Hon. Mr. POWER—Possibly it may not be the case with the western terminus, but it certainly is with the eastern terminus. In the lower provinces we have to see the freight which in those days we were promised should come down, and by its transshipment, being loaded and unloaded in our ports, make us all rich—we had to see that freight loaded and unloaded at Boston and New York. If the report in the newspaper quoted from by the hon. member from Shell River is correct, and the disparity in the charges between certain points in the United States and certain points in Canada is so great, there is reasonable ground for careful inquiry by the Government, and inquiry with a strong inclination to see that the people of Canada are placed as nearly as practicable on the same footing as their neighbours in the United States. I am quite aware, as has been said, that where freight is hauled a long distance the rates are proportionately less than where it is hauled a short distance. There is no question about that, and also railway companies make lower rates for freight between competing points than between points which are not competing, but there is a medium in those things, and I think where the freight is, as mentioned by

the hon. member from Shell River, between points in Canada double the rate for the same distance in the United States, that there really should be some modification of the rates allowed to be charged. This road was intended, when it was built for this country and paid for by this country, for the good of our own people and it should be run to a certain extent, at any rate, with a view to that fact. One of the great arguments in favour of the construction of the road at the expense of the Dominion was that this North-west country would be peopled very rapidly. Now, owing to some circumstance —I do not know whether, as stated by the hon. gentleman from Shell River, it is all largely owing to the rates charged by the Canadian Pacific Railway or not—but owing to some reason, the population has not gone into that country as rapidly as we hoped and were promised it would, and if a reasonable reduction of those rates will cause a greater influx of population in the future, I think that is the most desirable thing.

Hon. Mr. ALMON—I perfectly join with the hon. member from Halifax in regretting that the terminus of the railway is not Halifax instead of Portland. There was a report in the papers and it was generally supposed that the Canadian Pacific would buy the Intercolonial from St. John to Halifax. I want to know from the hon. member from Halifax who it was raised their voices most against it. Perhaps it is not right to relate private conversations. I think I spoke to the hon. gentleman himself about it. He said no, that should never be allowed. I think I am correct in that; if he says I am not, I withdraw it, but certainly the papers which he supports cried out loudly against the Canadian Pacific Railway having anything to do with the Intercolonial, though it ran from Halifax to St. John. If they had been allowed to do that, then the Canadian Pacific Railway would have owned the line from Montreal to Halifax. They were not allowed to have that road, and were told it was no use their trying to get it because a large portion of the population of Halifax were opposed to it, and, therefore they went to Portland, which is geographically nearer to Montreal than Halifax. The only reason they could have had to run to Halifax would be that they would own the whole road between Montreal and Halifax and send their freight straight through. If the hon. member from Halifax will move that the directors of the Canadian Pacific Railway be fined for running the road to Portland perhaps it would be better.

Hon. Mr. POWER—I may be allowed to perhaps answer my hon. friend's question. I have not found any fault with the directors of the Canadian Pacific Railway. They are business men and they do business in a businesslike way. I was speaking of the Government, not of the Canadian Pacific Railway directors. The hon. gentleman is perfectly right with respect to the transfer of the Intercolonial. As it is now we have railway competition in the lower provinces, and we have low rates, I mean the local rates are low, and that is a thing of very great consequence to the province at large. It is barely possible that to the city of Halifax alone, it might be a more advantageous thing to have the Intercolonial in the hands of the Canadian Pacific Railway. I must say I doubt it, because I think as business men the Canadian Pacific Railway would still continue to send their freight to Boston and New York rather than to Halifax.

The motion was agreed to.

## RETIRING ALLOWANCES TO OFFICERS.

INQUIRY.

Hon. Mr. BOULTON rose to

Ask the Government what retiring allowances were made to Lieut.-Colonel Villiers, Lieut.-Colonel Van Straubenzie and Major Street?

He said I want to know what retiring allowances were made to these officers in consequence of their having attained the age which is fixed for the retirement of officers from the military service. I understand they get two years' pay as retiring allowance, and I wish to take the opportunity of their retirement to present to the Government the fact that soldiers are the only officers in the service of the country that are not provided with retiring allowances in the evening of their age, that soldiers are of all others less provident or have an opportunity of being less provident that ordinary civil servants of the Government. They have a uniform to provide for themselves, they have a social position which they are expected to fill

which does not devolve upon other officers to the same extent, and here are three gentlemen at the age of sixty turned upon the country with two years' pay in their pocket. A soldier is the last man in the world to know how to invest a little loose cash, even if it was worth investing, as a means of livelihood or to provide for the future, for ten, fifteen or twenty years of their lives. What is two years' pay towards that man? I happen to know that two of these officers have families, and that their circumstances are exceedingly straitened, and that neither of them is able out of that small allowance to make any provision for the future of his family or himself at a time when it is impossible for them to turn their attention to other occupations. They are turned out of the civil service because they are no longer suited to fill the office, and with two years' pay, and as soon as that is gone, probably at the end of a year or eighteen months, there they are left without the means of support. Now, these gentlemen went up in 1885; they took their chances before the enemy of being killed; they went out in the defence of their country, and for twenty or twenty-five years, as the case may be, they have been at the call of their country. I certainly think that it is an injurious thing that soldiers in Canada are the only ones that are left unprovided for in the evenings of their age. I do not think there is any country in the world that has to say the same thing of men who are always supposed to be ready to be called upon at any moment, in order to preserve law and order or to defend their country. For that reason I put my motion in that way, not with any desire of cavilling at the amount, but merely to draw the attention of the Government to these facts that I have brought to their notice.

Hon. Mr. BOWELL—In answer to the query put by the hon. member from Shell River, I can inform him that Lieut.-Col. Villiers was retired on an allowance of $3,720. Lieut.-Col. Van Straubenzie, who had not served as long as Lieut.-Col. Villiers, was retired on an allowance of $2,040. No gratuity or allowance was given to Major Street, who occupied a somewhat different position to that of the other two officers, but it is the intention of the Minister of Militia and Defence to ask Parliament to give him a grant in order to place Major Street in the same position as the other two officers. The other question to which the hon. gentlman has alluded, that of adopting a system of pension for the volunteer force, is one which I think this House will agree with me in saying is of very great importance and one which deserves serious consideration on the part of the Government. They have not yet arrived at a decision to adopt the principle suggested by the hon. member. There are many reasons why in all countries the families of soldiers should be looked after and pensions given to them when they have fallen or become aged in the service, but whether that principle should be extended to a country like ours, which has purely a volunteer system, I am not prepared to say. The pension list of the neighbouring country is one which should make us think very seriously before adopting a system of that kind. The hon. gentleman is not strictly correct—I have no doubt it is unintentional—in saying that no other class of Government employés is unprovided for. A large class of engineers and many men who occupy very important positions, who receive their salaries and pay nothing to the superannuation fund, and consequently are not entitled to any pension or retiring allowance. When their services are no longer required they receive nothing. They simply retire the same as they would from the employment of a railway, or steamboat, or any other company. I am, I confess, personally opposed to the pension system. It is only those who have been injured in the service of their country that I would pension. There is no difficuly whatever in obtaining a deputy adjutant general, or brigade major, in any portion of the country. They know when they accept the position what the remuneration is and what the allowances are, and they have a very good idea that should they be called out in the defence of law and order or in defence of the general liberties of the people, or to defend their country against an invasion, no Parliament would refuse to recognize that service and pay them a pension, or take care of their family, in case they lost their lives; but whether that should extend to those who are in every civil position, such as gentlemen who occupy positions similar to those referred to by the hon. member, is a question that I do not think this Government is prepared at present to adopt, as the hon. gentleman suggests. They know what their salary is, and they should do precisely as others have to do. They

know that at a certain age they are liable to be retired, when the country gives them a retiring allowance, in proportion to the services they have rendered in that semi-military and civil position, and they should be satisfied.

## THE MANITOBA AND NORTH-WEST SCHOOL ACTS.

DEBATE CONTINUED.

The Order of the Day being called,

Resuming the further adjourned Debate on the motion of the Honourable Mr. Bernier :—

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before this House copies of all school ordinances, school regulations and amendments thereto, adopted by the Legislative Assembly, the Executive, and any Board or Council of Education, in reference to the establishment, maintenance and administration of schools in the North-west Territories since 1885

Also, for copies of all petitions, memorials and correspondence in reference thereto ;

Also for copies of all reports to the Governor General in Council, and all communications and representations to the authorities in the North-west Territories.

Hon. Mr. LOUGHEED—Hon. gentlemen, I have to thank my hon. friend from St. Boniface and also my hon. friend from Ottawa for the very moderate way in which they have dealt with the matters under consideration in connection with the Manitoba School Bill, and the ordinance respecting education in the North-west Territories. Particularly do I appreciate this when I consider the fact that both of these gentlemen hold very intense and pronounced views upon this question. It is satisfactory to be able to say that they have reviewed the matter in such a way as not to give offence in the slightest degree to those who might differ from them. We are all well aware of the fact that there is no question upon which men differ so widely, and more calculated to raise the passions of those who have strong feelings on such questions, as those subjects in which are involved religious or sectional questions. I would be a very poor judge of human nature were I for a moment to consider that any remarks which I would make upon this question would change the convictions or principles which hon. gentlemen who preceded me may hold upon these important questions. I now refer to the general principles involved in the questions and in the facts at issue. I therefore have no intention of directing my remarks to any of the general principles involved on the religious phase of the case ; but rather to make an explanation of the facts in connection with the two statutes in question. I very much doubt if I would have asked the indulgence of the House to make, in fact, any remarks upon this question, had not my hon. friend from St. Boniface introduced the two questions together, and failed to draw any distinction between either of them. He was good enough to say that the remarks which he made upon the Manitoba School Bill were equally applicable to the North-west Territories Act, and my hon. friend from Ottawa was apparently equally oblivious to any distinction being made between those two statutes. I, therefore, consider, in justice to the people of the North-west Territories, that it is my duty to inform this House, that there is as wide a difference between the two acts in question as there is between day and night. The Manitoba School Bill entirely abolishes separate schools, while the other bill not only recognizes and maintains, but is committed in its present shape to the principle of perpetuating separate schools, so that I fancy no matter how intense the feelings may be of certain hon. members of this House upon these questions, yet these feelings will be of a sufficiently generous and magnanimous character, to recognize that a very wide distinction exists between these two Acts. I purpose saying a word or two in connection with the Manitoba School Bill before I deal with the question which I propose to discuss, viz., the North-west School Ordinance. In regard to the Manitoba School Bill, it will be conceded, I think, by most of the Protestant majority that the Roman Catholic minority have been dealt with under circumstances constituting very great hardship. It will be generally admitted that the action of the Manitoba Legislature was, to say the least of it, of a very indelicate nature, and did not take into consideration the feelings or the sensibilities which might have arisen in the mind of the Roman Catholic minority in reference to the rights to which they considered they were entitled. I therefore, do not for a moment, in dealing with this branch of the subject under consideration, vindicate the passage of the bill by the Manitoba Legislature. We are fully aware of the fact that the Roman Catholic

minority, since confederation, and since that province entered into confederation, enjoyed certain rights and privileges by which they were able to maintain their separate school system, and by which the provinces contributed to the maintenance of separate schools in that province, through this fact they considered themselves entrenched behind the rights and privileges which they had enjoyed for some seventeen or eighteen years prior to the repeal of the old school ordinance. One is, therefore, not surprised that upon a repeal of that Act, very strong feelings of animosity were excited in the minds of the Roman Catholic minority, and they asserted in very strong terms the rights and privileges to which they considered themselves entitled and which they considered should be maintained in their integrity. I would remind hon. gentlemen and particularly my hon. friend from Ottawa, that it was not a Protestant majority of the province of Manitoba as Protestants who took the initiatory steps in repealing that bill, or who were responsible for the agitation which preceded the repeal by the Legislature, but the Liberal party, of which my hon. friend is such a bright and shining light, assumed the whole responsibility for that particular act. If my hon. friend will take the pains to inquire into the history of the late bill and of the present bill in the Manitoba Legislature, he will find that the Conservative party of Manitoba strongly upheld the rights of the minority, and to-day do not conceal in any way the very strong feelings which they have upon the subject, and express denunciation of the course which was pursued by the Liberal party in that province. Not only does it appear to me that the Liberal party were responsible for the passage of the Act, but it appears to me that the Liberal party of the Dominion have taken the first opportunity which presented itself to them to accord their gratitude to the father of the bill, viz., Mr. Martin, the present member for Winnipeg, and so far was that gratitude extended that we find upon the return of the Liberal member for Winnipeg and upon the defeat of the Conservative member, that a halleuiah chorus was raised from the Atlantic to the Pacific, by reason of the defeat of the supporter of the present administration in that constituency. Upon the arrival of the father of the present Manitoba School Act into the House of Commons at Ottawa, we find him being received into the fold of the Liberal party and at once considered one of the faithful and trusted members of the Liberal family. We find Hon. Mr. Laurier, the leader of the party taking hold of him by one arm and the hon. member for Queen's, Mr. Davies, taking hold of him by the other arm and presenting him to the House of Commons, and at once registering him as the champion of the Liberal party, for that part of the Dominion west of Lake Superior. It appeared to me rather peculiar that upon that occasion he should have been introduced not only by the leader of the Liberal party, but by Mr. Davies, the member for Queen's. My hon. friend from Ottawa made reference to the Prince Edward Island School Bill. As hon. gentlemen from Prince Edward Island are familiar with the passage of that Act, it will be known that Mr. Davies was at the head of the Government in Prince Edward Island when the Bill which conserved to the Roman Catholic minority their school privileges in the province of Prince Edward Island was repealed and the Davies Act passed which gave very great offence. My hon. friend says they never had any bill, but I know this, that at that time, His Grace, Archbishop McIntyre, then the Roman Catholic Bishop of that diocese, petitioned the Government of the day, of whom my hon. friend from Ottawa was a member, for a disallowance of that Act, passed by Mr. Davies's Government, and my hon. friend at that time acknowledged, apparently, to such an extent, the rights of the provinces to legislate upon this subject, that he and his Government failed to see that they should exercise their veto powers and disallow the Act in question. Therefore I say that it appeared to be something more than a coincidence, that Mr. Martin, the member for Winnipeg, the father of the Manitoba School Bill, should be introduced into the House of Commons by Mr. Laurier, the leader of the Liberal party, and Mr. Davies, the father of the Prince Edward Island Bill. I would not have made any allusion to the political phase of the Manitoba School Act, had my hon. friend from Ottawa, not cast reflection upon the present administration for not disallowing the Manitoba School Act at the time it was passed by the Local Legislature. I am of opinion that these subjects are often too dangerous in their results to be introduced into political warfare, and I therefore would have felt a

sense of delicacy in referring to the matter from a political standpoint, had not my hon. friend made that allusion. I would point out to the House that at that time my hon. friends of the Mackenzie Administration felt themselves placed in such a delicate position and were so committed to provincial rights that they at that time absolutely refused to disallow the Bill.

Hon. Mr. SCOTT—I explained why I did it.

Hon. Mr. LOUGHEED—I am quite aware that my hon. friend explained, but I fail to see that the Prince Edward Island case was not a perfectly parallel case with the Manitoba School case, and if the administration of that day refused to allow that Act, certainly the administration of to-day could not well disallow the Manitoba School Act.

Hon. Mr. SCOTT—They are not analogous at all.

Hon. Mr. LOUGHEED—Now, in reference to the Manitoba School Bill, it may have been unfortunate for the Roman Catholic minority that about the time the Manitoba School Bill was passed by the Provincial Legislature—that is the present Act—that a very strong feeling prevailed in the province of Manitoba respecting provincial rights. For some time previous to that the federal veto had been exercised in the disallowance of several railway acts, and other legislation of the Manitoba Legislature, and so intense was the feeling in that province that recourse was had to physical force for the purpose of the province asserting the rights, which they at that time considered themselves entitled to, viz., in the building of certain railways, and to such an extent had this feeling asserted itself, that at the time of the passage of the Manitoba School Act, it would have been dangerous for the internal peace of that province had the Federal Government, entirely apart from the constitutional aspect of this Act, endeavoured to intervene by the federal veto. Consequently, under the circumstances, the matter resolved itself for settlement into a constitutional question. The legal aspect of the case at once presented itself: in fact, it assumed such shape, it was perfectly impossible for the Federal Government to interfere. The Roman Catholic minority, so far as my recollection serves me, did not refer the matter to the Federal authorities, but at once instituted proceedings in the Court of Queen's Bench, for the purpose of having a judgment of the court upon the question as to whether the Act was *ultra vires* of the legislature or not. The consequence was the court did hold that it was within the powers of the province. It then went to the full Court of Queen's Bench, which is equivalent to a Court of Appeal, and the full court held that the Act was within the powers of the province. Now, my hon. friend went out of his way, I think, yesterday, to cast a reflection upon the Court of Queen's Bench of Manitoba. My hon. friend said that the court was thoroughly prejudiced in the case, and was, consequently, unfit to pronounce judgment upon so important a matter.

Hon. Mr. SCOTT—I said they were acting under the pressure of public opinion.

Hon. Mr. LOUGHEED—My hon. friend I think, used the word prejudice.

Hon. Mr. SCOTT—Perhaps I did.

Hon. Mr. LOUGHEED—If my hon. friend did make use of such an expression acting under the pressure of public opinion I think the people of Manitoba would strongly resent such an imputation being cast on that court. Although I am not a member of the Manitoba bar I am sufficiently familiar with the personnel of that court to make this statement with confidence, that there is no province in Canada that possesses a bench in which the Protestants and Catholics of that province repose greater confidence in its ability, probity and sense of right. I am satisfied there is no court in this Dominion better calculated to deal out impartial justice than the Court of Queen's Bench in Manitoba. That case, as you are all aware, came before the Supreme Court of Canada, and the judgment of the Queen's Bench was reversed. It then went to the highest court of the realm, the Judicial Committee of the Privy Council of England. It appears unnecessary to say that there must be some central authority by which controversial questions of this character must be determined, and amongst the political parties of this country there is no party so committed to deciding the rights to which

the provinces are entitled under the British North America Act as the party of which the hon. member from Ottawa is leader in this House. The reflections cast by my hon. friend upon the Privy Council as to their want of knowledge of our federal system, of their want of ability to give proper consideration to questions of a constitutional nature arising out of our British North America Act, I think is untenable and unfounded. If there is one question more than another upon which the provinces of this Dominion have congratulated themselves it is the very fact that the Court of the Judicial Committee of the Privy Council has been the battle ground in which most provinces of this Dominion have won their victories over the federal authority. There is no court in this broad realm more familiar with the constitutional system of Canada, no court in which there are more decisions bearing upon our constitutional questions than that of the Judicial Committee of the Privy Council. If my hon. friend from Ottawa will look at the reports of the Privy Council he will find that few reports issued in which are not reported some constitutional question arising out of the conflict of opinion between the provinces and the federal authority. Therefore I think, my hon. friend could not have given proper consideration to the assertion when he made it that the Judicial Committee of the Privy Council is entirely unfamiliar with our federal system.

Hon. Mr. SCOTT—I made the statement, and I make it over again.

Hon. Mr. LOUGHEED—My hon. friend makes it over again—all I can say is, that does not establish the fact that the Judicial Committee of the Privy Council is not calculated to deal with very great ability upon questions of this nature. I make this statement, that there is no court in the realm so well able to deal with questions such as these now under discussion as the Judicial Committee of the Privy Council. We well know that questions of this character have to be removed beyond the strife and turmoil and animosities which necessarily arise in discussing such questions. Take for instance the Bench of this Dominion—that Bench may unconsciously become tinged with feelings of partiality or prejudice upon those questions which are discussed in our press and in the public places of this Dominion, but it cannot well be said that the members of the Judicial Committee of the Privy Council are influenced in their judgment upon such questions by reason of any associations, or sympathies contracted in belonging to one or other of the political parties in Canada. Therefore I say that so far as the Manitoba School Bill is concerned, while I do not vindicate the bill in any way whatever, while I am not here either as an apologist for the bill or as its opponent, yet I say that that bill having been delegated for final decision to the authority recognized by our constitutional system, and that authority having finally decided upon the question, I think it is in the interest of all parties that they should recognize that that central authority has dealt impartially with the bill upon the strict legal and constitutional phases which invest such a question and that there it should rest. I say unhesitatingly that it would be in the interest of all parties, both the Roman Catholic minority and the Protestant majority, that they should accept the pronouncement of the highest tribunal in the realm as deciding respectively the rights of the parties in respect of this particular question. So much for the Manitoba School Act. Now, coming to the ordinance respecting education in the North-west Territories. I was rather astonished on my arrival in Ottawa to find that many gentlemen who acquaint themselves most familiarly with the legislation which is enacted by the various provinces in regard to these matters were entirely unfamiliar with the provisions of the North-west Territory school ordinances respecting separate schools. I found from the opinions which had been expressed in the Quebec press and which had been expressed in other quarters that the opinion did prevail that separate schools in the North-west Territories had been entirely swept out of existence—had been absolutely abolished, that the rights of the minority had been ignored or wilfully violated, and that the territories were in the same position as the Province of Manitoba. Now, as I said on the threshold of my remarks the contrary is entirely the case. For the information of hon. gentlemen I will say this, that from the petitions presented by the Roman Catholic minority of the territories respecting the present School Act the statement is made without equivocation, without any reservation whatever that until the passage of

the present School Act, namely in 1892, the school system of the territories, in fact the two systems in the territory, namely, public and separate schools, were carried on in absolute harmony without any friction whatever, and that the Roman Catholic minority enjoyed all the rights and privileges which they could expect, and had no complaint whatever to make against the legislation existing before that particular date. Hon. gentlemen who are familiar perhaps with the limited constitution which we have in the territory know that in 1888 we only had a Legislative Council in the North-west Territories—that there was no one responsible, except the Lieutenant Governor of the Territory to the Federal Government of the day for the expenditure of public moneys or for the carrying on of any of the institutions of a provincial nature. That there was no machinery by which the North-west Council could supervise educational institutions in the Territories except they delegated the authority which they might exercise in council to somebody else outside the council. They therefore provided for appointing an educational board. That board consisted of a certain number of Protestants and a certain number of Catholics, and to that board were delegated the powers conferred on the North-west Council for the carrying on of the educational institutions which might be established in the territories. The members thereof were appointed by the Lieutenant Governor. In 1891 additional powers were given to the North-west Legislature by which the Executive Committee, somewhat analogous to a Provincial Cabinet but more limited in power, were appointed by the House and responsible to the House for the expenditure of all public funds and for the carrying on of the various institutions of a provincial nature within the territories. This did away with the necessity for the existence of a board of education which up to that date had existed. The consequence was that the Legislature provided that the Executive Committee composed of four members of the Legislature should deal with this question, but they desiring to take both the Protestant majority and the Roman Catholic minority into their confidence provided for appointing two Roman Catholics and two Protestants on that board. It is true they had no vote but they were an advisory body to confer with and advise the Executive Committee of the Assembly. We therefore find them doing away with the old board of education which had existed, and the new board passed regulations of a more modern and advanced character than previously existed upon questions of education. I do not say for one moment that that was the most perfect ordinance that could be passed. I do not say that I vindicate or oppose the ordinance—we are only dealing now with the question as to whether the North-west Assembly had power to pass that ordinance which we find placed on the statute-book and the regulations promulgated thereunder. In 1892 the present educational ordinance was passed and no complaint was then made in regard to this until a very recent date. Sometime during last season a movement appears to have been set on foot to urge the disallowance of this ordinance and petitions were sent to the Governor in Council against its remaining on our statute-book. I make this statement upon the authority of the present superintendent of education, that in the first place no change whatever has been made in any of the schools ; that during his last visit of inspection of the separate schools of the territories he put the question to each school if any change had been made under the new regulations and the answer was given that no change had been made. They however expressed themselves apprehensive that there was a possibility of change being made by reason of the majority of those who had charge of the educational institutions in the territories passing regulations which might be objectionable to the Roman Catholic body.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LOUGHEED—All I can say with regard to this is that the Roman Catholic minority in the North-west Territories or the Protestant minority in the province of Quebec, or wherever minorities have an existence must place a certain amount of confidence, in the good will and in the recognition by the majority of those rights to which they are entitled. The mere expression of an apprehension that there is the remote possibility at some future time of there being an invasion of such rights I scarcely think is a reasonably tenable ground for contending that there should be a disallowance of all such legislation. So that we may thoroughly analyse this case, I take the liberty to read to you the petition of

His Lordship Bishop Grandin, and several of the clergy of the territories, belonging to the Roman Catholic minority, as against the present ordinances and regulations. The principal objection to the regulations appears to be in this paragraph relating to text books :

(7.) Another of the said regulations of the Council of Public Instruction impose a uniform course of instruction and a uniform selection of text books alike for all schools whether Public, Protestant or Catholic. As to such a regulation, it is impossible that it can meet with the approval of both Protestants and Catholics. The text books now prescribed are in many instances of a character highly objectionable to Catholics. These text books are for the most part Protestant, and are offensive to Catholics by asserting many things which Catholics have always contended, contradicted the facts by entirely ignoring, or greatly minimizing, misrepresenting or misinterpreting the part of the Catholic Church and her members in history and in all departments of literature and science, and by propagating religious and philosophical theories which Catholics reprobate or disapprove.

Now, I want to deal with this question of text books. This appears to have been one of the principal objections to the regulations which have been passed under the existing ordinance. Upon the petitions in question being received by the Governor in Council, the Privy Council made rigid inquiry for the purpose of thoroughly examining into the truth of these statements and ascertaining as to whether there had been a violation of the rights and privileges which the Roman Catholic minority had enjoyed. This document has been made public, and the report of the Privy Council of Canada has been that there has been no interference with the text books which have been used in the Roman Catholic schools since 1888. That the text books which were selected by the Catholic section of the board of the separate schools in the North-west are the same text books which are in use to-day, with the exception of the Roman Catholic readers. Now permit me to say in connection with this question that the question of readers, as hon. gentlemen know, has already raised a very great deal of question in the minds of supporters of separate schools. Under the old system of separate schools and previous to 1892, the separate schools of the territory used what was known as the Metropolitan Series of Catholic Readers At the instance of some of the separate schools in the territories the educational board—mind you, before the passage of the present regulations—asked liberty from the educational board to discard the Metropolitan Readers and to use what is known as the Ontario Reader, namely, a Catholic text book which is used largely in the province of Ontario. Now, in regard to the Metropolitan Series of readers, my hon. friends from Quebec are probably acquainted with this fact, that at a late meeting of the council of public instruction in the province of Quebec presided over by His Eminence, Cardinal Taschereau, the Metropolitan Series was discarded and other readers substituted in their place. My authority is the official document which I hold before me—so the readers which are in use in the separate schools in the province of Ontario are those that are used in the North-west Territory. Consequently, they are not only the recognized readers of the Catholic separate schools in other parts of the Dominion of Canada, but they have been placed on this list, I find from the documents before me, at the instance of the Roman Catholic schools of the territory. Therefore, so far as that objection is concerned, I do not think it is tenable, inasmuch as those readers have been in use previous to the passage of the Act of 1892 and are the readers practically selected by the Roman Catholics themselves. The next complaint deals with the question of inspection. Under the present regulations a uniform system of inspection had been established and is now followed out. Permit me to say this, and upon your perusing the petitions against the present ordinance you may be surprised to find that the Roman Catholic petitioners did not appear to be aware that previous to 1892 and under the old system a uniform system of inspection did prevail. Consequently, it cannot reasonably be said that the institution which was established by both parties and with their mutual understanding is objectionable and a ground for complaint. The next question which appears to have created a great deal of friction under the present Act is one relating to the training of teachers. Previous to 1892 there had been no normal schools in the territory. In 1892, after the passage of the present Act, it was deemed desirable that a normal school should be established. The Roman Catholic minority appear to think that two normal schools should have been established, and I think that is one of the complaints. I do not for a moment say that it is not a complaint well-grounded.

Supporters of separate schools may have pronounced opinions on such a question, but I will read to you a resolution passed by both sections of the Board of Education in 1888 in regard to the establishment of a normal school, in which resolution both parties agree upon the establishment of one normal school, in which all the branches of training might be acquired, and in which schoolit is implied both Roman Catholics and Protestants might attend and receive certificates therefrom :

At a meeting of the Board of Education, held on the 25th January, 1888, it was resolved :—

That in the opinion of this board, it is necessary to make provision for the instruction and training of teachers for our public schools in the science and art of teaching ;

That the Board feels that the appointment of a normal school principal, whose duty it would be to hold normal school sessions in different parts of the country, would have the best possible results in increasing the efficiency of teachers and stimulating education.

Therefore resolved :—

That His Honour the Lieutenant-Governor be requested to urge upon the Dominion Government the advisability of granting the sum of five thousand dollars for the next financial year for normal school purposes.

At that meeting, among other members present and approving, were Rev. Father Leduc and Mr. A. E. Forget.

Again, on the 3rd September, 1891, the Board of Education, on the motion of Mr. A. E. Forget, a Roman Catholic member, passed the following resolution :—

That all persons in the inspectorates of Eastern and Western Assiniboia, who obtained non-professional certificates at the recent examination of teachers, not holding certificates of normal training, and who desire to obtain professional certificates, be required to attend a normal session either at Moosomin or Regina ; such normal session to commence on the reopening of the union schools, after the Christmas holidays, and to terminate, for third class teachers, six weeks, and for first and second class teachers, three months, from the date of commencement.

On this occasion were present and approving, the Rev. Father Leduc, the Hon. Mr. Justice Rouleau, and Mr. A. E. Forget, all the members of the Roman Catholic Section of the Board.

Apparently at that time there did not exist any difference of opinion in respect of the desirability of establishing only one normal school, and that that normal school should be for the equal advantage of both sections of the community, namely—Roman Catholics and Protestants.

Hon. Mr. BELLEROSE—Will the hon. gentleman tell me whether the board of examiners was composed as it is now under the new ordinance ?

Hon. Mr. LOUGHEED—In 1891?

Hon. Mr. BELLEROSE—In 1888 and 1891 was there a Catholic on the board ?

Hon. Mr. LOUGHEED—Yes, three.

Hon. Mr. BELLEROSE—And had a right to vote ?

Hon. Mr. LOUGHEED—Yes. In the absence of an executive committee it was necessary that to somebody should be delegated the duties to look after education, but when the Parliament of Canada gave the right to the Assembly to appoint an executive committee and responsible to the House they then assumed the responsibility of attending to those duties themselves. They then appointed two Roman Catholics and two Protestants on the board, but without votes.

Hon. Mr. POWER—The hon. gentleman has given us a great deal of very interesting information, and that is a thing which we all very much need, and it is with a view of suggesting one or two points on which light is needed that I ask leave to interrupt him. The hon. gentleman speaks of normal schools. The resolution and extracts from which he read does not describe normal schools—it speaks of lectures to be delivered in different parts of the territories on normal school subjects. That is a totally different thing from establishing normal schools, and that section does not appear to contemplate the establishment of one normal school. The last extract I did not quite apprehend. I do not know whether that meant that there was to be a regular normal school conducted at Regina and another at Moosomin.

Hon. Mr. LOUGHEED—My hon. friend is right in the remark that he has made. When I spoke of normal schools I did not refer to the building of normal schoools, but I referred to the normal school course being established. We have no normal school buildings in the North-west, but a superintendent and inspectors are appointed and they at points throughout the territory hold normal school sessions. This is what we term a normal school. At that time, viz., 1888, hon. gentlemen will observe both parties appeared to have determined upon this method of educating their teachers together, and recognized the necessity of a uniform

course being adopted, I suppose to avoid expense and possibly to ensure efficiency. Now there appears from a close perusal of the petitions the fact that the objections are generally limited to those three complaints, namely, qualification of teachers, text books and inspection. Hon. gentlemen will see that before the passage of the ordinance and for some years prior to that time practically the same system which then obtained is in operation to-day. At that time it produced no friction and to-day is apparently producing no friction, except the remote possibility which I have already mentioned, and which the Roman Catholic minority fear, viz., that there may possibly be enacted regulations and enactments which are entirely contrary to the spirit of the North-west Territories Act, I would furthermore make this statement, that the Privy Council has not only dealt with the point which I read to hon. gentlemen, but has dealt with all the points in question. They considered the question of inspection, also the question of text books, and the question of qualification for teachers. They find from this report which I hold in my hand and which has been published that there has been no interference. I will read, hon. gentlemen, the last clause of this finding, which will indicate to you the satisfaction which the Committee of the Privy Council had in examining into the alleged grievances and in ascertaining that the rights of the separate schools had not been invaded :

> The committee have not ascertained that any act done or regulation made by the Council of Public Instruction under the ordinance of 1892 is contrary to the rights or interests of the minority in the territories.

I think hon. gentlemen must express a sense of satisfaction at knowing that the rights of the minority have been preserved to the extent stated in the report which I have read. And furthermore that the rumours which have been circulated regarding the very great apprehension felt by the minority are not of a character to give rise to the fears which are expressed in those petitions and which are stated in the press and which many hon. gentlemen in this House appear to think may possibly become materialized into actual results. This, like most of the other school questions which have arisen throughout the Dominion, largely partakes of a legal character. It is quite natural that supporters of separate schools in the territories should view with a great deal of jealousy the rights which have been given them, in view of the fact that there is claimed to have been a violation of those rights throughout the Dominion since confederation in some of the provinces. I must congratulate hon. gentlemen in taking this position; it is perfectly right and it is commendable to a very great degree, that they should do every act possible for the purpose of protecting themselves in those privileges which have been given them under the various statutes, which to-day are safe-guarding their interests, but I would ask them in considering this fact, to consider the further fact that the Protestant majority also consider that they have rights, that the Protestant majority may possibly put an entirely different construction upon the statute law in which those rights are embodied to that put upon it by the Roman Catholic minority. This must be viewed in a broad and liberal-minded sense. Because some may express a grave apprehension that their rights are being trampled upon, that they are being crushed by the majority, it does not necessarily follow that such is the case. Hon. gentlemen must recognize that there are two sides to every question of this character, that invariably these questions resolve themselves into constitutional questions, and that our constitution is so framed as to safe-guard them from any deliberate and violent invasion of those rights to which they are entitled. Now, in case some hon. gentleman may say that I purposely overlook dealing with one point which has caused friction and created some degree of animosity in the territories, I would deal with it before proceeding further. A difficulty appears to have arisen from the fact that the members of religious communities are required under the present regulations to have certain qualifications before they can teach in the separate schools or before they can teach in any schools. Under the old system they were required to possess certain qualifications and under the new system they are required to possess normal school qualifications, or qualifications of an equivalent character.

Hon. Mr. DEBOUCHERVILLE—What are we to understand by normal school qualifications ?

Hon. Mr. LOUGHEED—I am glad that my hon. friend has asked me that question. Under the regulations it is provided that all

those who desire to teach shall attend the normal school sessions and shall pass certain examinations upon prescribed subjects dealt with by the lecturers in normal school sessions. The objection has been raised by ladies of religious communities there that they cannot possibly attend those public lectures. Now, I would say that they are not compelled to attend those normal school sessions, that if they pass the examinations indicating that they are possessed of qualifications sufficient for teaching and indicating proficiency in a normal school training elsewhere it is quite sufficient to qualify them to obtain a certificate. I will read a communication sent by Mr. Haultain, the Chairman of the Executive to the Lieutenant-Governor for the purpose of forwarding to the Governor in Council, so that you may see how far this question goes.

Hon. Mr. McMILLAN—I would like to ask the hon. gentlemen before he proceeds any further, who is to examine those lady teachers?

Hon. Mr. LOUGHEED—There are inspectors appointed for that purpose. Remember, hon. gentlemen, there is a uniform system of inspection, and had been previous to the passage of the present Act. There are four inspectors; one of those is a Roman Catholic inspector, but the Roman Catholic inspector inspects Protestant schools, and the Protestant inspectors have a right to inspect Catholic schools; there is a uniform system of inspection and the examinations are conducted by those inspectors. The document which I am reading from is dated 4th January, 1894.

Hon. Mr. SCOTT—Since the petition?

Hon. Mr. LOUGHEED—Yes, since the petition, in explanation of certain questions submitted to the Lieutenant Governor for information:

By subsection 6 of section 10 and section 12, chap. 59 of the Revised Ordinances, 1888, the general examination of the licensing of teachers was vested in the whole board of education and not in the sections of the board.

Previous to the passage of the present ordinance there was no sectional method of examining teachers.

The board of education was composed of five Protestant and three Roman Catholic members.

With regard to the training of teachers I might say that our regulations do not compel any teacher who possesses equivalent qualifications to attend our normal sessions.

Teachers are required to possess scholarship and professional skill. If any member of a religious order presents evidence of these, she can obtain her certificate without attending the normal school, but if she does not present such evidence, under our regulations she is not entitled, in her religious character, to any more than other lady who wishes to teach in a Government school and obtain a Government grant.

I might say, in case I should overlook it later, that my hon. friend dealt yesterday with the great liberality towards Roman Catholic schools in Great Britain and Quebec and referred to the small grant in Ontario. Now in the North-west Territories the State contributes about 50 per cent of the entire expenses of the schools; so therefore, hon. gentlemen, I think it is not an unreasonable contention to say that as the State contributes about 50 per cent of the expenses for the schools, that the State should retain a certain amount of authority and should say what qualifications teachers should possess and what system of inspection should prevail, so that the most efficient system possible of education could be had in these Territories, and I think such is the case to-day. I think statistics will show that there is no portion of this Dominion in which its public schools—and by that designation I include separate schools—have attained to a higher grade of efficiency than in the North-west Territories of Canada.

Hon. Mr. DeBOUCHERVILLE—Have not those in Ontario the right to certificates?

Hon. Mr. LOUGHEED—I will read further, and you will see how the matter stands:

As a matter of fact many members of religious orders are specially and splendidly trained as teachers and our regulations will admit them without any attendance at our normal classes.

No member of a religious order teaching in the Territories is affected by the normal school regulations and for the future members of religious communities wishing to engage as teachers in schools drawing public money in the territories must conform with regulations on which they have had full notice.

Hon. Mr. POWER—Perhaps the hon. gentleman will allow me to ask whether he understands the statement of Mr. Haultain to mean that a teacher can, by passing an examination, show his qualifications as a

teacher and be admitted as a teacher. If a teacher can show a qualification by passing a severe examination that ought to be sufficient.

Hon. Mr. SCOTT—Oh, yes, I fancy that is it. They would pass an examination in Ontario and would be qualified to teach in Quebec without any further examination.

Hon. Mr. LOUGHEED—For the information of my hon. friend from Quebec I would say that at one period—I am not aware whether that school is in existence now—the Roman Catholics of Manitoba had a normal school at St. Boniface, and up to the present time they have accepted the certificates of a normal school of the province of Manitoba as a sufficient qualification for teaching in the territories. The following are the regulations as examined by the Privy Council upon this question :

A person holding a professional certificate of the first or second class issued in Ontario or Manitoba since 1886 may receive a certificate of equal standing upon presenting (a.) a statement from the Department of Education in his own province that his certificate is still valid, (b.) a certificate of moral character of recent date, (c.) a certificate from his last inspector of having taught successfully.

Persons holding non-professional certificates of the first or second class issued in Ontario or Manitoba since 1886 may receive certificates of equal standing upon presenting proof of character and age.

Persons holding certificates from other provinces of the Dominion or from the British Islands may receive certificates of such class as the Council of Public Instruction may deem them entitled to.

Hon. Mr. DEBOUCHERVILLE—They are not in the same position as those from Ontario and Manitoba?

Hon. Mr. LOUGHEED—No, because the institutions in Ontario and Manitoba are much of the same class or grade as those in the North-west Territories.

Persons holding certificates of educational value from institutions other than those mentioned may receive such certificates as the Council of Public Instruction may deem them entitled to.

Hon. Mr. SCOTT—It is all left to the Council of Public Instruction.

Hon. Mr. LOUGHEED—Here is another clause which might satisfy my hon. friend :

With regard to the training of teachers I might say that our regulations do not compel any teacher who possesses equivalent qualifications to attend our normal school. Teachers are required to possess scholarship and professional skill. If any member of a religious order presents evidence of these she can obtain her certificate without attending our normal school.

Such, hon. gentlemen, are some of the regulations to which I have referred. Now permit me to say this that entirely apart from the guarantees by which the minority in the North-west Territories is safeguarded, I for one should regard it as a very regrettable circumstance that the slightest apprehension should exist in the mind of the minority as to the rights and privileges to which they are entitled. Under our governmental system it is impossible, it would be unwise and impractical, on controversial subjects of this character, for the Federal Government to exercise the power of disallowance where both parties may honestly differ in respect of their rights. It will be apparent to all discerning minds that there can only be federal intervention or the right of veto exercised where a province has clearly exceeded its powers or where so manifest a wrong has been done that it must be obvious to the entire public, as contra-distinguished from those controversial questions which are constantly arising in the provinces between different sects. In regard to those there must be some central authority which shall have power to decide the issue one way or the other. The minority may think one way and the majority the other way, and they both may be equally honest in their decision. Now this method was persued in the solution of the present difficulty. The matter was brought before the Governor in Council, a very close examination was made in regard to the Ordinance and the regulations which have been passed and we find the report of the Committee of the Privy Council of the most satisfactory character, and particularly to the Protestant majority as indicating that they have observed in their integrity the rights to which the Roman Catholic minority are entitled. I think that the hon. gentlemen who may be apprehensive of the rights of the minority being trampled upon will have a certain degree—in fact they should have an unlimited degree—of confidence in the personnel of the Privy Council of Canada, made up as it is I believe of an equal number, or nearly so, of Roman Catholic and Protestants. This is the best guarantee which the minority can have, that their rights will not be invaded

and that the principles which have been assured to them by statute will be guarded in all their integrity. There is no section of this whole Dominion in which Roman Catholics and Protestants live in greater harmony than on the broad prairies of the North-west Territories. Its boundless character has a widening effect upon men's minds. I believe the Roman Catholic minority in the North-west Territories have every confidence in the Protestant majority that their rights will be preserved, and that there will be no wilful violation of them. As the Protestant minority in the province of Quebec have received generous and magnanimous treatment at the hands of the Roman Catholic majority, so have the Protestant majority in the North-west Territories endeavoured to emulate the example set them by the Roman Catholic majority in Quebec. They have ever been willing to accord to the Roman Catholic minority the same privileges they themselves enjoy and I hope in the territories as well as the rest of the Dominion they will ever be animated by that spirit. Now it must be apparent to all of us who are familiar with our constitutional system that minorities no matter whether it be a Protestant minority in the province of Quebec or the Roman Catholic minority in the North-west Territories must necessarily rely upon the majority according that spirit of liberality, equality and fair-play which throughout the whole British empire is the fundamental principle of our liberty. I say without hesitation that in the North-west Territories this will be acceded to the Roman Catholic minority in no less degree than in the very heart of the Empire itself. I should regret it personally if there should be any violation of the rights of the minority. The majority by so doing would perpetrate upon themselves a greater wrong than they would upon the minority by thus violating the principle upon which our constitution rests, namely, the securing of civil and religious rights to Her Majesty's subjects throughout the Dominion. Now, in conclusion, let me say that I hope this explanation which I have given of this Ordinance may in some degree contribute to an assurance in the mind of this honourable House that the rights of the minority have been respected, and that the people of the North-west Territories will ever consider it not only a statutory duty but a pleasurable one to regard the rights of the minority inviolate and sacred.

Hon. Mr. SCOTT—Does the hon. gentleman mean to say that the North-west Ordinance carries out in any possible degree the generous, manly views he himself has expressed in regard to the treatment of the minority by the majority?

Hon. Mr. LOUGHEED—What I did say was that I am not called upon to vindicate the present Ordinance; neither am I here as an apologist for the present Ordinance, but what I do say is that the Ordinance is within the rights of the North-west Legislature.

Hon. Mr. SCOTT—No.

Mon. Mr. LOUGHEED—And has been found so by the Committee of the Privy Council, and that being the case I say it would be unfortunate if there was a disturbance of that Ordinance which possibly might create greater animosity than at present exists.

Hon. Mr. BELLEROSE—If the Government have no objection I move that the debate be adjourned until to-morrow.

Hon. Mr. BOWELL—I have no objection to the adjournment of the debate until tomorrow, but I should like to have it terminated soon. I would not suggest anything which would look like an attempt to curtail the debate, especially as it has been carried on in such a calm, liberal and dispassionate spirit. The whole question of separate schools,—the advisability of their establishment, the relative liberality of each province has been largely dealt with, and we have had a history of the whole question. It has struck me that the debate has been as wide as it could possibly be under the circumstances, without adhering to the question that was really brought before the House by the hon. member from Provencher. I will say this before I sit down, that I personally, on behalf of the Government, compliment him, not only upon the courteous, but on the scholarly, cool, calm, and dignified manner in which he presented the subject to the House. I am sure it must have met with the approval of every one who heard it no matter whether he agreed indi-

vidually with the hon. gentleman's views or not, I thought he had set an example to the whole of us in dealing with a question which is intricate, but is one of great delicacy. He discussed the question in a spirit that all of us might profitably follow in the future.

The motion was agreed to.

## PETITIONS FOR PRIVATE BILLS.

Hon. Mr. BOWELL—If the House thinks it would be well to extend the time for receiving petitions for private bills, the Government has no objection of doing so.

Hon. Mr. POWER—The time under the new rule is much longer than under the old rule, and the very object of lengthening the time was to prevent these extensions.

Hon. Mr. VIDAL—The House of Commons positively refused to extend the time and our committee thought it was not advisable to grant an extension in this House, when it was refused in the other.

Hon. Mr. BOWELL—Under the circumstances it is not advisable to do so. More than that, I know that trouble has arisen very often in the lower House over the extension of the time. People who want private bills have a whole year to make up their minds about it, and they know our rules and should comply with them and not postpone presenting their petitions and delay the business of parliament.

The Senate adjourned at 5.50 p.m.

---

## THE SENATE.

*Ottawa, Friday, 6th April, 1894.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## THE BEHRING SEA ARBITRATION.

Hon. Mr. McINNES (B.C.)—Before the Orders of the Day are called, I should like to ask and get a reply from the hon. the leader of the House with respect to a cablegram that appeared in this morning's *Citizen*, anent the Behring Sea Bill that is now before the Imperial House of Commons. I find that, during the discussion, the following question was asked by one of the members of the House, Mr. Gibson Bowles, Tory members for Lynn, "was the agreement of Canada unconditional, or the same as that of 1891, when a modus vivendi was agreed to, on condition that Canadian sealers should receive compensation?" The reply made on behalf of the Government, by Mr. Buxton, Parliamentary Secretary of the Colonial Office, was the "hon. member must wait for a decided answer until the Government receives the papers," and then he adds, "The Government understands that Canada has not attached any condition and that compensation has not been asked for." I may say, hon. gentlemen, that I refuse to believe that the Government would so far neglect their duty and the interests of Canada as not to ask for compensation. If the hon. leader is not in a position to answer the question to-day, I hope that he will do so at the next sitting of the House, without any formal notice.

Hon. Mr. BOWELL—I am afraid that I shall have to give the hon. gentleman an answer similar in character to that received by a gentleman holding a name very much like mine; that is, he will have to wait until I obtain the particulars with reference to the question which he has asked. If the hon. gentleman had given me notice that he intended to ask that question, I would have made myself acquainted with all the facts. I am quite safe in saying, however, that a large portion of that answer is not strictly correct, as I understand it.

Hon. Mr. McINNES (B.C.)—That is the last portion?

Hon. Mr. BOWELL—As the hon. gentleman has called my attention to it, I shall look into the matter and hope to be able to give him a definite answer on Monday.

## THE WESTERN CANADA TRUST AND GUARANTEE CORPORATION BILL.

### SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (D), An Act to incorporate

the Western Canada Trust and Guarantee Company.

Hon. Mr. ALLAN—I hope that when that bill goes to committee, if it does go there, my hon. friend will not object to an alteration in the name. There is an old established company which bears the name of the Western Canada Loan and Savings Company, and I think very great confusion would likely arise in consequence of that.

Hon. Mr. LOUGHEED—I have so explained to the mover of the bill, and he is quite willing that the name should be changed to meet the views of my hon. friend.

The motion was agreed to.

## THE MANITOBA AND NORTH-WEST SCHOOL ACTS.

DEBATE CONTINUED.

The Order of the Day being called,

Resuming the further Debate on the motion of the Honourable Mr. Bernier :—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all school ordinances, school regulations and amendments thereto, adopted by the Legislative Assembly, the Executive, and any Board or Council of Education, in reference to the establishment, maintenance and administration of schools in the North-west Territories since 1885;

Also, for copies of all petitions, memorials and correspondence in reference thereto;

Also, for copies of all Orders in Council, reports to the Governor General in Council, and all communications and representations to the authorities in the North-west Territories.

Hon. Mr. BELLEROSE said: It is not my intention to make the speech on this occasion that I intended to deliver when I gave notice that I intended to call the attention of the Government to this subject. That notice was as follows:

That he will call the attention of the Senate to certain promises made and certain engagements solemnly undertaken, at and in respect of the confederation, but before its adoption, upon various subjects and particularly upon the question of education; also to the non-performance of these engagements; and to the difficulties which exist at the present time and those which have existed at various times since the confederation became an accomplished fact, difficulties which are the consequence of these violations of promises and engagements.

And that he will inquire of the Government whether it proposes to take the necessary steps to remedy these difficulties and to render justice to that class of Her Majesty's subjects who suffer from these violations of promises.

I have my views as to the course which should be pursued under existing circumstances. My friends have other views. In a case of such great importance, I thought I should subordinate my opinions to those of the majority, especially when I consider that my province is not interested in either of the two cases with which the House has to deal at the present time, so I asked to have that notice dropped. Should my hon. friend in due course adopt my views, then I shall be ready to give expression to the opinions that I hold as I have prepared them. Referring to the question as it is now before the House, it is my intention to answer as well as I can the statements that have been made by the hon. member from Calgary. I am not a lawyer, as he is, and it is difficult for me to meet his statements; nevertheless I have a duty imposed on me, and that duty I must fulfil to the best of my ability. The hon. gentleman took exception to some statements of the hon. member from Ottawa and the member from St. Boniface, and insisted that the School Act in Manitoba and the North-west ordinance are not alike. I am ready to admit that there is a good deal of difference between the two, but I regret to say that neither of them can meet our conscientious views, so these gentlemen were justified in expressing their objection to both. In principle the two Acts are alike to us, because we cannot accept them. The hon. Senator from Calgary told us that he would take up the Manitoba school question first, and then deal with the North-west school question. I will follow the same course. The hon. gentleman says that separate schools in Manitoba by the Provincial Act are altogether abolished, and we ought to hear no more of them since they have no longer any existence. That is true—the judgment of the Privy Council is final and we must submit to it, as we always have been ready to submit to authority. Catholics are obliged to do so, and they would not be doing their duty if they did otherwise. The hon. gentleman said that only the constitutional question could be dealt with. Very well, I am ready to deal with that, and it will be in this way—I shall have to take the judgment of the Privy Council and examine it and see whether justice has been done to the minority in Manitoba. The judgment surprised me. I have long been accustomed

to vindicate the character of the Privy Council in England. That body, in all matters in which our church appealed to them, generally rendered good judgments and gave satisfaction, but in this instance I regret to say that the judgment cannot satisfy any man who understands what he reads. I will give some evidence of that. You find in the reasons given by their lordships this :

> Notwithstanding the Public Schools Act, 1890, Roman Catholics and members of every other religious body in Manitoba are free to establish schools throughout the province ; they are free to maintain their schools by school fees or voluntary subscriptions ; they are free to conduct their schools according their own religious tenets without molestation or interference.
>
> No child is compelled to attend a public school. No special advantage other than the advantage of a free education in schools conducted under public management is held out to those who do attend.
>
> But then it is impossible for Roman Catholics, or for members of the Church of England (if their views are correctly represented by the bishop of Rupert's Land, who has given evidence in Logan's case), to send their children to public schools where the education is not superintended and directed by the authorities of their church. Roman Catholics or members of the Church of England who are taxed for public schools, and at the same time feel themselves compelled to support their own schools, are in a less favourable position than those who can take advantage of the free education provided by the Act of 1890.
>
> That may be so. But what right or privilege is violated or prejudicially affected by the law ?
>
> It is not the law that is in fault. It is owing to religious convictions which everybody must respect, and to the teaching of their church, that Roman Catholics and members of the Church of England find themselves unable to partake of advantages which the law offers to all alike.

That was not the question which was before their honours ; the question was whether the rights of the Catholics at the time of the union were violated by the Act of the Legislature of Manitoba. Though the minority have a right to establish schools of their own, they still have to pay taxes in support of the public schools. In judging as they did, their lordships either did not pay sufficient attention to the facts, or the facts were not properly submitted to them. Otherwise they would not have given such reasons for their judgment. Their duty was to see whether the local authorities had exceeded the powers given by the constitutional Act of Manitoba to the Provincial Legislature. I say this is what they did not do. Their lordships further on state that the educational clause was not clear, and that the parties who drew up that clause should have taken care that it was properly worded. That is no reason for their decision. If the clause was not clear, was it not the duty of the judges to ascertain what it really meant ? Is there not a rule in common law that when a clause in an Act is not clear you have to look at the intention of the parties when they contracted ? If this had been done, their lordships would have seen that the reasons which they then gave could not be received with satisfaction by those who were interested in that case. No doubt the School Act of 1890 does not directly forbid separate schools, but it evidently does so indirectly, when it forces people to pay taxes for the support of the public schools it creates. It is evident that the promoters of this law expected that such would be the consequence. They evidently thought that this new system would prevent the continuation of separate schools, the expenses of maintaining them falling only on dissentient minorities who would have only to pay taxes for public schools. This view of the case was so evident that the presiding judge of the Privy Council, in giving judgment, could not help admitting the fact, when after referring to the different complaints made by both minorities, Catholics and Protestants belonging to the Church of England, he adds : "It may be so." Continuing, his Lordship states : "But what right or privilege is violated or prejudicially affected" ? Is it not a privilege to be exempted from paying taxes, whether municipal, scholastic or political ? What is a privilege, if not an exceptional law ? The word "privilege" is derived from the Latin word : *privilegium (privata-lex)*—exceptional law —whether written or unwritten, matters not, since at common law, an old custom is law in absence of written law. If so, the privilege which the minorities had of paying only for their own schools, schools of their creed, is then altogether violated and most prejudicially affected, when they have now, under the law of 1890, to pay taxes for public schools. His Lordship then goes on : "It is not the law that is in fault. It is owing to religious convictions, &c., &c., &c." I wonder by what forced construction his Lordship brought the Churches of Rome and of England, as well as their teachings, into the question which he had to decide ! What was the question ? Simply whether the minorities had, before the union of this province with the Dominion, any privileges which might have been prejudicially affected by the new law. Whether those minorities look to

Holy Scriptures for their rule of faith, or whether they look to their church for such rule, has evidently nothing to do with the question submitted to their Lordships. His Lordship was then altogether wrong in this instance, as he was when he said : "It is not the law that is in fault." It was the law that was in fault, since it could not destroy the privileges which the minorities enjoyed at the time of the union. Even if the law was right, as the Privy Council has decided it was, and the minorities had no right to complain, it would be the law which would be the cause of the disadvantage which the minorities would be laboring under. You could not say that it was due to the convictions of the people in a country where religious liberty exists. Then another motive is given in the judgment in the following words :

> It can hardly be contended that, in order to give a substantial operation and effect to a saving clause expressed in general terms, it is incumbent upon the court to discover privileges which are not apparent of themselves, or to ascribe distinctive and peculiar features to rights which seem to be of such a common type as not to deserve special notice or require special protection.

Now, I must say I was greatly surprised to learn that the Privy Council had dealt with such an important case in that way. They treated those rights as though they were rights of a very common type and not deserving of notice, and if that is the way they treat religious liberty I pity their lordships. It does not confirm the idea which I had of the Privy Council in England. On the contrary, I contend it was their strict duty to inquire and see what those general terms meant. That could have been easily done. I suppose the Government having had the case under consideration, had possession of the documents and had forwarded them to the Privy Council. Their lordships should have looked into the Bill of Rights which was accepted by the federal authorities in 1870, when the delegates came to Ottawa to negotiate for the admission of the North-west into the confederation. They presented a Bill of Rights which had been accepted by the people at a general meeting held in Winnipeg, and in that Bill of Rights I find No. 7 positively stating that they reserved their separate schools, and that the taxes for public schools should be returned to them in proportion to their number in the population. But the Privy Council did another injustice. There is a rule of common law that if a party puts a clause in an Act which is favourable to him, but which is obscure, it must be construed against him and not against the party who is innocent. In this case the population of Manitoba have to pay the penalty of the fraud that was perpetrated, though the Government were the sole agents at the time. They alone, were capable of passing the Act—the people of the west could not come into this House or the other House to investigate the details of it. So that if, as the Privy Council says, it is in such "general terms," the fault is ours, it is the fault of the Executive, but according to the judgment we have nothing to pay for that. Those people will have to bear the burden, because they will have to pay taxes for schools which they had been promised they would never have to assist in maintaining. It must be recollected that this is only a beginning. Even since this judgement has been published in Canada, endeavours have been made in Ontario to belittle the importance of the separate school law, and I have no doubt there will be many more such attempts since they have succeeded so well in Manitoba in deceiving the people and forcing them to pay for the support of public schools. The whole Catholic population of the Dominion is interested in this question. It is a matter of great importance to about two millions of our population, over two-fifths, and it deserves the consideration of every man who wishes to be honest and deal well with his neighbour. Then their lordships go on to say :

> In their lordship's opinion, it would be going much too far to hold that the establishment of a national system of education upon an unsectarian basis is so inconsistent with the right to set up and maintain denominational schools that the two things cannot exist together, or that the existence of the one necessarily implies or involves immunity from taxation for the purpose of the other.

Well, hon. gentlemen, I am sure that their lordships never heard that objection. I defy any man to prove that that objection was taken. Our objection is that we have to contribute to the support of public schools which our children cannot attend, and then if we want to have private schools we must maintain them at our own expense. Had the law been passed in such a shape that the whole population would have to pay for the public schools, but that the separate schools would receive their fair share of the public money, there would be no objection.

So that this remark of their lordships which I have just quoted, is nonsense : it is simply giving reasons against an objection which was never raised. I went over that judgment, and I may say the same thing of every part of it. What I have already quoted is quite enough to show that the judgment did not receive that consideration which they generally give in England to matters of importance ; and this is one of very great importance. I believe the hon. member from Calgary added that it is now only a constitutional question. Well, I am ready to meet him on that point, and I would tell him this : Among the numerous documents which have been put before Parliament, is one from Sir John Thompson. I thought I might find in it some good argumet in favour of the course followed by the Executive and himself and his collegues, in dealing with this question, but sad to say, such is not the case. On the contrary, the reading of these papers convinces me that the Thompson Government, as well as the preceding administration under Sir John A. Macdonald, determined to shirk the responsibility of dealing with those cases. They had full power to act and they decided not to do so, and relieved themselves by leaving the whole question to be dealt with by the Privy Council. As a consequence of this determination, the case of Manitoba has been before the courts for three years, and God knows how many years more the question will be discussed. Was this right? No, far from it. The hon. gentleman knew better than any one else the difference which exists between his tribunal, the Executive, and the judicial tribunal. The judicial tribunal would decide those questions strictly in point of law. The Executive themselves had been a party to the negotiations which preceded the entry of Manitoba and the Territories into confederation. The Executive would therefore have to consider all the circumstances of the case, and the intentions of both the contracting parties at the time of the union. The Executive would have considered that at the time of the negotiations the delegates from the west had made the school question a *sine qua non* one, as is shown by the Bill of Rights, which was the basis of the negotiations. The seventh article is in the following words :

> That the schools shall be separate and that the moneys for schools shall be divided between the several denominations *pro rata* of their respective populations.

As a consequence, as I said before, an injustice has been done to the people of Manitoba. It seems not only in the House, but outside that the great point is overlooked, and minor points, which have nothing to do with the question, are insisted upon. The only question which we have to deal with when speaking of that educational clause is this—whether at the time of Confederation it was understood that separate schools should exist in Canada. In 1864, the delegates from the different provinces decided that they would meet together in Quebec, in October, 1865. They met and adopted a series of resolutions, one of which dealt with that very question. Those resolutions had to be submitted to the different legislatures in the several provinces. It has often been said that the Confederation Act was a compromise. I wish to quote words that were uttered at the time, in the Parliament of old Canada, to show that it was so understood by all parties. Sir John Macdonald said in his speech reported in the Confederation Debates :

> The resolutions on their face bore evidence of compromise ; perhaps not one of the delegates from any of the provinces would have propounded this scheme as a whole, but being impressed with the conviction that it was highly desirable with a view to the maintenance of British power on this continent that there should be confederation and a junction of all the provinces, the consideration of the details was entered upon in a spirit of compromise.

At that time a coalition Government was in office. The leader of the other party, the Hon. George Brown, said in the same debate :

> To assert, then, that our scheme is without fault, would be folly. It was necessarily the work of concession ; not one of the thirty-three framers but had, on some points, to yield his opinions ; and, for myself, I freely admit that I struggled earnestly, for days together, to have portions of the scheme amended. But Mr. Speaker, admitting all this—admitting all the difficulties that beset us—admitting frankly that defects in the measure exist—I say that, taking the scheme as a whole, it has my cordial, enthusiastic support without hesitation or reservation.

Now what is a compromise? Is it not an agreement in which both parties give up some of their views? If so let us see which of the Protestant views were given up at that time. I quote again from the speeches of those two gentlemen to whom I have already referred. Here is what the Hon. George Brown said as to giving up some of their views on the subject of education :

Now, I need hardly remind the House that I have always opposed and continued to oppose the system of sectarian education so far as the public chest is concerned. I have never had any hesitation on that point. I have never been able to see why all the people of the province, to whatever sect they may belong, should not send their children to the same common schools to receive the ordinary branches of instruction. I regard the parent and the pastor as the best religious instructors—and so long as the religious faith of the children is uninterfered with, and ample opportunity afforded to the clergy to give religious instruction to the children of their flocks, I cannot conceive any sound objection to mixed schools. But while in the Conference and elsewhere I have always maintained this view, and always given my vote against sectarian public schools, I am bound to admit, as I have always admitted, that the sectarian system, carried to the limited extent it has yet been in Upper Canada, and confined as it chiefly is to cities and towns, has not been a very great practical injury. The real cause of alarm was that the admission of the sectarian principle was there, and that any moment it might be extended to such a degree as to split up our school system altogether. There are but a hundred separate schools in Upper Canada, out of some four thousand, and all Roman Catholic. But if the Roman Catholics are entitled to Separate schools and to go on extending their operations, so are the members of the Church of England, the Presbyterians, tha Methodists, and all other sects. No candid Roman Catholic will deny this for a moment; and there lay the great danger to our educational fabric, that the separate system might gradually extend itself until the whole country was studded with nurseries of sectarianism, most hurtful to the best interests of the province, and entailing an enormous expense to sustain the hosts of teachers that so prodigal a system of public instruction must inevitably entail. Now it is known to every hon. member of this House that an Act was passed in 1863, as a final settlement of this sectarian controversy. I was not in Quebec at the time, but if I had been here I would have voted against that bill, because it extended the facilities for establishing separate schools. It had, however, this good feature, that it was accepted by the Roman Catholic authorities, and carried through Parliament as a final compromise of the question in Upper Canada. When, therefore, it was proposed that a provision should be inserted in the Confederation scheme to bind that compact of 1863 and declare it a final settlement, so that we should not be compelled as we have been since 1849, to stand constantly to our arms, awaiting fresh attacks upon our common school system, the proposition seemed to me one that was not rashly to be rejected. (Hear, hear.) I admit, from my point of view, that is a blot on the scheme before the House, it is, confessedly, one of the concessions from our side that had to be made to secure this great measure of reform. But assuredly, I, for one, have not the slightest hesitation, in accepting it as a necessary condition of the scheme of union, and doubly acceptable must it be in the eyes of hon. gentlemen opposite, who were the authors of the bill of 1863.

In view of these statements we Roman Catholics may fairly ask how is it that after such a compromise, and after the Protestant population had accepted the situation—how is it that these questions arise? How is it that people who are educated, who can read and write, who understand the law, raise this question from time to time until it has become one of those subjects on which, as the hon. member from Calgary has said, one can hardly speak without becoming excited? I wish now to read what Sir John Macdonald said on the question of separate schools at the time that the Confederation was formed:

> As to the school question, it has been announced by Hon. Mr. Galt, at Sherbrooke, that before confederation took place, this Parliament would be asked to consider a measure which he hoped would be satisfactory to all classes of the community, There was a good deal of apprehension in Lower Canada on the part of the minority there, as to the possible effect of confederation on their rights on the subject of education, and it was the intention of the Government, if Parliament approved the scheme of confederation, to lay before the House this session, certain amendments to the school law, to operate as a sort of guarantee against any infringement by the majority of the rights of the minority in this matter.

Hon. gentlemen will see that the Catholic majority in the province of Quebec were more liberal than the Protestant majority in Ontario have been. We accepted the union without any special guarantee, but in Quebec the Protestant minority required a guarantee. An Act was to have been passed, but it was too late in the session and the time was too short. When Sir George Cartier was asked how the matter was to be dealt with, he told them that they had his word of honour that the moment confederation was carried a law would be passed on the subject of separate schools that would satisfy the minority. Sir John Rose said, "we are satisfied, we rely on your word."

And the province of Quebec did their duty: the majority passed that Act and redeemed Cartier's pledge. At the present moment the educational authorities in Lower Canada are willing to appoint two superintendents of education, but we have never had but one, and why? Because the Protestants say "We won't have one; it would be spending money for nothing. Your Catholic superintendent has always rendered justice to Protestants, and we won't have another superintendent." That is the way the Protestants were treated in Quebec, and if there is any trouble and if those questions are now being discussed, it is because the Protestants of Manitoba and the North-west raised the cry

first. In 1870 delegates came from the North-west to Ottawa to negotiate with the Government. Arriving amongst us here, and finding the representatives of the three parts of the Dominion all contented with their lot and satisfied with confederation, they thought that the Act gave sufficient protection to the minority, so they accepted the Manitoba Act, which had the same clause as to education which is in the British North America Act. That explains how it was that they so graciously accepted the Act that was offered to them to assure them that their rights on the question of education would be protected. The hon. member from Ottawa reproached the Government for not having disallowed the Manitoba Act. The hon. member from Calgary took exception to that, and he even added that it was better that they had not done so. I cannot concur in that view. I believe the Government were wrong in not vetoing the Act. It would have been a good deal better had they taken prompt action. It was their duty to veto the legislation and I will tell you why. A good many members of this House perhaps are not aware that in 1872, when Sir John Macdonald was Premier of Canada, we had to deal with the questions of the schools in New Brunswick. Sir John announced then the policy of the Government, that the right of vetoing would only be exercised in two cases, first, if the Act was unconstitutional; second, if constitutional, the Act was injurious to the whole Dominion. These were the two cases. Now, I say that either the School Act of Manitoba is *ultra vires*, or, if *intra vires*, it was injurious to the Dominion, and in either case they were wrong in not deciding the matter by a veto. These questions of religion have, before now in other parts of the world, caused great difficulty and trouble. If so, was it right for the Government to allow that Act to become law? Was it because the Catholic minority of the Dominion has always submitted to anything whether reasonable or not? If it was on account of that, they were wrong. Although there are many things we can accept for the good of the country, there are other things which we cannot give up because they are more of a religious character, and conscience cannot give way and we have to agitate and try to give every one his own rights. In this instance, at all events, whatever has been done, is done, but surely there is something more to do. The Government having failed in their duty in not disallowing the Act, under the two rules laid down at the time of confederation by the Government themselves, then, I say that to-day, when they have sent these cases before the courts, they should try to have a final decision of the Privy Council in England as to the opinion given by the Supreme Court at Ottawa where the court was divided, three judges against two, but there may be an appeal from that, and if that appeal was placed in a proper light before the Privy Council, then we might have a chance of saying, "Well after all the judgment in this instance is good, and we have to submit cheerfully," but as I said before, we cannot submit cheerfully, because we say it is not as equitable a judgment as the Privy Council generally gives. Now, I come to the North-west Territories School Act. On this question the hon. gentleman from Calgary made a speech which I admired very much. He was eloquent, but so far as the force of his argument is concerned I must say it suprised me how little there was in it. His speech, if hon. gentlemen will remember it, can be reduced to a few words—I cannot approve of the Act, but it is a good one. The hon. gentleman explained that the Catholics were as well situated in the North-west as the Protestant minority is in the province of Quebec. He proceeded to show that one thing after another had been accepted by the Catholics in the past, and that therefore everything was all right now, but he terminated his speech by saying that the House must not understand that he in any way wished to express approval of the law. After all the good things he said of the law, why could he not approve of it? That is the most curious thing to me. And that is why I said that the hon. gentleman from Calgary while asserting that the North-west Territories Act was just as good as the Quebec Act, admitted that he would neither reject nor approve of it. I am very glad that he does not approve of it.

Hon. Mr. LOUGHEED—What I said was this—that I did not feel called upon to express myself in regard to the nature of the bill, except as to the fact that it was within the province of the Legislature of the North-west Territories to pass the bill.

Hon. Mr. BELLEROSE—I knew very well the hon. gentleman would find some way out of it. He knows very well that his speech did not catch anyone nor will his explanation to-day. I will answer the hon. gentleman as to the character of the North-west ordinance by showing him that it denies the Catholics of that country very many rights which they possessed under the old ordinance of 1888. I have here before me a summary of the Ordinance of 1888, and of the Ordinance of 1892, which I will read to the House, and I will ask hon. gentlemen to say whether, in their judgment, justice has been done to the Catholics of the North-west Territories :—

| The Ordinance of 1888 accorded to Catholics, as such, the following rights :— | The Ordinance of 1892 accords the following to Catholics :— |
|---|---|
| 1. The Lt.-Governor in Council may name and constitute a Council of Public Instruction, composed of eight members, of whom three shall be Catholics. The three Catholic members have a right to vote. | 1. The members of the executive council and two Roman Catholics shall form the Council of Public Instruction. The nominated members shall not have the right to vote (5). |
| 2. And all questions on which there may be an equal division shall be decided in the negative (9). So that the three Catholics, with the aid of a single Protestant may negative all hostile regulation. It shall be the duty of the board (3 Catholics in 8). Sec. 10. | 2. No vote to negative hostile regulations. |
| 3. To judge all appeals from the decisions of school inspectors and to pass such regulations concerning them as they may deem requisite. | 3. Nothing. |
| 4. To provide a uniform system for the inspection of schools and pass such regulations as they judge necessary, relative to the duties of inspectors. | 4. No power. |
| 5. To provide for the examination, classification and licensing and issuing of certificates to teachers. The 3 Catholics have a right to vote too. | 5. Neither vote nor action. |
| 6. Make the necessary regulations for administration and general discipline. | 6. Nothing. |
| 7. Appoint inspectors. | 7. No power. |
| 8. Select, adopt and prescribe a uniform series of class books. | 8. No power. |
| 9. Annul the certificates of all teachers, for all schools which are not designated as being Protestant or Catholic. | 9. No power. |
| 10. The Council of Public Instruction shall form itself in two divisions, one to be composed of Protestant members, the other of Catholic members (11). | 10. No section. |
| 11. To have under its control and direction the schools of its section. | 11. Neither control nor direction. |
| 12. To make the necessary regulations for administration and general discipline. | 12. No power of this kind. |
| 13. To select, adopt and prescribe a uniform series of class books. | 13. No action on this subject. |
| 14. To appoint inspectors who shall remain in office during the pleasure of the section by which they may be named. | 14. No power. |
| 15. To cancel the certificates of all teachers ; | 15. No power. |
| 16. There shall be a general bureau of examiners for teachers' certificates ; one half of the examiners to be named by one section of the bureau, and the other half to be named by the other section of the bureau (12). | 16. No right of nomination. |
| 17. Each section of the bureau shall have the choice of text books for the examination of teachers in history and science (13). | 17. No power to choose the books. |
| 18. Each shall have the power to prescribe all other additional subjects for the examination of school teachers in its section (religious instruction), for example). | 18. No power. |
| 19. And in all examinations in these subjects, the examiners of each section shall have respectively absolute jurisdiction. | 19. No jurisdiction even jointly. |
| 20. There shall be taught in all the schools the following branches, namely : Reading, etc., (82). In the French districts all branches may be taught in French. | 20. There shall be taught in all the schools in the English language the following branches, viz., reading, etc. |

| | |
|---|---|
| 21. It shall be incumbent upon the trustees of all schools to cause a primary course of English to be taught. | 21. It shall be permissible for the trustees of any school, to cause a primary course to be taught in the French language. |
| 22. Any schools conducted in violation of the provisions of this Ordinance or of the *regulations* of the *Board of education* or *section* thereof shall forfeit all right to participate in any of the grants. (83). | 22. Any school conducted in violation of the provisions of the Ordinance or of the regulations or of the Council of Public instruction or of the Superintendent shall be liable to forfeit all rights to participate in any of the grants (84). |
| 23. Religious instruction was permitted in separate schools at any time during school hours, though forbidden in public schools before 3 o'clock. (84). | 23. No religious instruction shall be permitted in any schools until one-half hour previous to the closing of such schools. (85). |
| 24. Schools may be opened each morning with prayer. (85). | 24. No opening prayer. |
| 25. At the desire of the trustees of school district the inspector (Catholic) may examine a teacher possessing no certificate and employed, or proposed to be employed by such trustees. (89). | 25. No such privilege. |
| 26. The inspectors have to observe that no books are used in any school but those selected from the list of books authorized by the Board of education, or section thereof. | 26. No more rights to Catholics as to selection of books. |
| 27. The *Catholic Inspector* may grant provisional certificates to competent applicants recommended by the trustees of schools. | 27. Upon the recommendation of an inspector, the Superintendent may grant provisional certificates of qualification. |
| 28. Under clauses 177 and 178 union schools could be established in Catholic institutions and have their high school branch as Catholics. | 28. Where union schools are established, the high school department of such schools shall be non-sectarian (184), that is to say non-catholic. |
| 29. The board of education may authorize the establishment of a Normal Department and the trustees of any such school shall thereupon establish such Normal Department, Catholic as well as Protestant. | 29. High school departments of union schools being non-sectarian the Normal Department must be such and the Catholics, as such, have no right therein. |

Under the old law, Catholics could select their own text books: under the new ordinance the Protestants select the books for the Catholics. Under the old law, Catholics had their own board: to-day there is only a Protestant board. Under the old law, the schools could not be opened without prayers —that was when they believed in God in that part of the country. Now they do not believe in God and their schools are opened without prayer. Although this Senate is never opened without prayers every day, the schools of the North-west Territories must be opened without prayers. You prevent the children in the North-west from being taught to offer prayer to the Almighty. Is not that very curious? Yet such is the length to which fanaticism will carry men. Now, hon. gentlemen, I leave it to you to decide as to the correctness of the argument of the hon. gentleman from Calgary on this point, but I would ask the hon. member for Calgary and other hon. gentlemen of this House to tell me, if you were in Quebec and the Catholic majority were to enact such a law, would you submit cheerfully and say that it was right? You would not, not one of you. If you have a conscience, how is it that you force others to do what you would not like to be forced yourselves to do, you readers of the Bible especially? I was happy to hear the hon. gentleman, at the close of his speech, use these words, or something like them—I quote from a report in a newspaper that is friendly to the Government and consequently friendly to himself—

> The tone and substance of Senator Lougheed's address seems to indicate he did not consider it his duty either to vindicate or condemn the Act, holding rather that the question resolved itself into whether or not the Ordinance was within the rights of the legislature.

Very well, but it was not optional with the hon. gentleman to say so. He had done his best to prove that the present law was very good, and if it was he was bound to accept it. It simply means that he is ashamed of the law as it stands, and I am not surprised at that. I have always believed that the hon. gentleman from Calgary holds sound views, but thinking that he was in duty bound to defend the Government of the Territories, he hurried over that part. I suppose that he thought he could not help it and had to make the best of it. I cannot do less than congratulate him on the way he did it, but I cannot congratulate him on putting the matter in a proper light, because he put it in such a way that a good many could be deceived by what he said. But he

is not the only Protestant who holds the belief that this law is not acceptable. Only a few days ago a gentleman from Montreal, who, I always thought, was opposed to our views on educational matters, wrote a letter to the Montreal *Gazette* on the 2nd April on this very question. I refer to Mr. William Clendinning. He says:

MANITOBA SCHOOL LAW.

A PROTESTANT SYMPATHIZER WITH THE MANITOBA MINORITY.

*To the Editor of the* GAZETTE :

SIR,—Under constitutional government parliamentary acts and judgments of courts are a power, and have an authority which individuals and communities are bound to respect. Yet both together cannot void a natural law, cancel a divine injunction, or relieve anybody from the penalty of transgressing against either. Now, God and Nature have made the parents the guardian of the child. Under the law of God the parent is commanded to train up the child in the right way. The conscientious Catholic believes that he can only discharge that solemn duty by instructing his child in the doctrines and teachings of his church and, therefore, dreads allowing his child to be brought under any influence that might lead him away from that faith.

A vital point in the Protestant belief is the right of private judgment, and yet in Manitoba you see a Protestant majority actually taxing a portion of their fellow countrymen for exercising that right in a matter which to them is as dear as life. If I believe that my child's eternal welfare is endangered by going to a certain school, and yet am willing and anxious to educate him so that he may be qualified to discharge the duties of a good citizen, is it fair—is it just for the State to step in and say : Yes, you may educate your child as you like at your own cost, but you must support the other school, even though you do believe that the course of instruction given there is such that you would not let your child receive it ?

It is to be regretted, as you said in your article of a few days ago, that there seems to be no constitutional remedy in view for such a state of things as exists now in Manitoba. I freely admit the importance of provincial autonomy, but a united and contented Dominion has much greater import. But so long as a certain portion of our population are treated so unfairly and so unjustly as the Catholics of that western province are in a matter of such moment as the education of their children, it seems to me that we cannot have that united Canada which is needed to make the foundation stone of our grand Dominion sure.

W. CLENDINNING.

Montreal, March 30.

Now I know no better Protestant that Mr. Clendinning, and I must say I was surprised to read that letter in the *Gazette ;* yet it is there, and it seems that even he is ashamed to see his co-religionists act as they have done, and he says it openly so that the world may know. I have a great many of those letters, but so much has been quoted that I think it unnecessary to read them, but I will take a letter from the other side of the line —in the United States. Here is a letter from Mr. Glen who lives in that country but who, I believe, was at one time a member of our House of Commons :

DEFENCE OF THE CATHOLICS.

A PROTESTANT THINKS THAT THEY MAKE GOOD CITIZENS.

*To the Editor of the Brooklyn Eagle :*

It was with very great pleasure that I read your editorial in Saturday's issue entitled "The Great Flag Question." Every line of it was right. My great grandfather of Scotch Presbyterian descent served under Lafayette in the war of the revolution. My grandfather served in the war of 1812 at Sackett's Harbour. I belong to the extreme low church wing of the Protestant Episcopal church, and for the past thirty years have opposed the attempt of the high church wing to steal and wear the livery of the Roman Catholic church. I may fairly claim to be an American and a Protestant. St. Patrick's is an Irish benevolent society, St. George's an English society, St. Andrew's a Scotch society. Americans of New England parentage have a New England society. They all do ten thousand times more good than harm. Why repress them in any way ? Why not encourage and promote them ? There is not a more loyal class in our country than the brave sons of St. Patrick. Our army records prove it. The long roll of honour is filled with Irish names. We have nothing whatever to fear from Roman Catholic disloyalty or domination. Those of us whose parents immigrated from Ireland, England, Scotland, Holland or Germany to our shores prior to 1776, sometimes imagine that we have divine rights which those whose ancestors came across the sea a little later do not enjoy, or at least that we are better Americans than those who were not born upon our soil. The truth is we who are native born are Americans from mere accident of birth, while those who come to us from other lands are Americans from choice and to gain American citizenship often make great sacrifices and suffer many privations. I cannot but feel that this flag issue is an expression of Protestant bigotry which was entirely uncalled for at this or any other time. I regret being compelled to differ from our reform mayor, whose record thus far has been admirable. I have made a patient, persistent and careful study of the good and weak features of Catholicism in this country and Canada for the past thirty-five years, and desire to call the attention of your many readers to some facts bearing upon the constant attacks of Protestants upon Catholics. First, That west of the coast of Massachusetts, New York, Pennsylvania and Virginia to the Pacific the pioneer missionaries were chiefly Roman Catholics. They suffered great privations and practised severe self denial to serve humanity, civilized and uncivilized. They made

noble Christian records. Second. The Roman Catholic church has been a great bulwark in defence of the sanctity of the marriage tie and the family. These two institutions are the very foundation of all organized moral human society. There have been more divorces granted in the city of Newport, R. I., in a single month than in the great Roman Catholic province of Quebec in thirty-five years. Third, funds contributed to Roman Catholics charities are more economically administered than those contributed to Protestant charities. That is to say, a larger percentage of such contributions reach the suffering and needy through Roman Catholic administration than through Protestant administration. Fourth, There is a far higher percentage of illegitimate children born in Presbyterian Scotland and Protestant Episcopal England than in Roman Catholic Ireland. While we are granting divorces in our city courts at wholesale, let us cease to throw stones at Roman Catholics. Let us first cast the beam from our Protestant eyes that we may see clearly the mote in our Catholic brothers' eyes. Let us cease to strain at a gnat and swallow a camel. The claims which I have presented for our Roman Catholic fellow citizens cannot be disproved or justly ignored. They are vital and fundamental in their nature ; and, unless they can be proved invalid, should be frankly acknowledged. Upon Washington's and Lincoln's birthdays and independence day let only the American flag float from our public buildings. But upon any other days any flag. which is not an emblem of disorganization and not intended as an insult to our flag or to question its absolute supremacy, can do no harm when it flaps in the wind over our city hall or other municipal homes. My faith in the overcoming power of American leaven is boundless and therefore I have no fear that harm will come to the republic or government by the people because our big hearted, impulsive, loyal Roman Catholic fellow citizens fling the green and gold to the breeze over our city hall one day in the year. I recognize any man and woman as an American citizen and as entitled to all the rights and privileges of American citizenship without regard to race, religion, colour, social and financial position or place of birth who is loyal to the American flag and ready to defend it when attacked. I detest and abhor nihilists and anarchists. They have no excuse for promoting their devilish sentiments in this free land. I have no sympathy with any organization which tends to destroy or demoralize organized moral human society. No such charge can be justly made against St. Patrick's, St. George's, St. Andrew's or other kindred societies. There is work enough for all sincere lovers of humanity in destroying evil organization without attempting to repress those which make for peace, order and good fellowship.

FRANCIS WAYLAND GLEN.

Brooklyn, March 19, 1884.

Then there is another article in an Ottawa newspaper which, far from condemning, I may say I was happy to read. It is either a retraction or explanation of a few words which had fallen from the lips of the Hon. Clarke Wallace as reported in the press. He made an explanation to the *Ottawa Citizen*, and I am happy that he did so, yet there is something in what he said to which I shall have to allude. His explanation was as follows :

> I entirely disclaim any intention to be either unjust or offensive to any organization or religious belief in Canada. I have never been so, and though always holding and always intending to hold my own opinions strongly, as I accord all others a right to do, I have striven and always shall strive to do this with charity to all, and hard feeling against none.

I do not see that this word "charity" is properly applied. Mr. Wallace is like many others who are opposed to Catholics on this question. Is that charity? The other day I went to the table of the Senate and opened the Protestant bible and in it I found in the Gospel according to St. Matthew, 7th chap. and 12th verse, these words "whatsoever you would that men should do unto you, do you even so unto them." If Mr. Wallace is sincere in his statements he should endeavour to have Catholics given the right to do their duty according to their conscientious convictions. In Quebec we say to the Protestants "you think we are wrong: very well, here is your money, we will keep ours. You go your way, we will go ours." I believe that this question ought to be considered by every one in this country as one of great importance. The Government should deal with it in such a way as to arrange the whole affair so that greater difficulties may not arise by and by. The hon. Minister of Trade and Commerce was in the House of Commons with me in 1872, when I rose in my place and showed that the Government were wrong in not dealing with the New Brunswick School Act in such a manner as to settle it, and I told him then that it would cause trouble in the Dominion. I told him if there was a question which ought to be settled at the very beginning, it was one of that kind. The reply to me was that there would be no difficulty about it. But what have we found during the last 25 years? Has there been a single year in which you have not heard of those dissensions and religious difficulties? As long as justice is denied us you will hear of it. Why is it that in Quebec the minority are satisfied? It is because they not only have what they are entitled to, but they have more than strict justice calls for. If you look at the public accounts of the province of Quebec, you will find that the Protestant minority have more than their share, and we give it

because we say we are the majority, and we should give the minority the best part. Why do not the Protestants do the same when they are the majority? They are British subjects and are always proud of British fair play. Let them give us British fair play when we ask for our rights. They may be sure that we will then have peace and harmony and that this country of ours will go on every day increasing in strength and prosperity.

Hon. Mr. ANGERS—I wish to say a few words to close this debate, as I understand that nobody else intends to speak.

Hon. Mr. POWER—It does not follow at all.

Hon. Mr. ANGERS—It may not follow logically, but in appearance it does. I do not intend discussing the matter upon the merits; I think I should be offered the opportunity of closing the debate by giving the consent of the Government to the motion which has been made by the hon. member from St. Boniface. My object is mostly to congratulate this hon. member on the way he has dealt with the question, to compliment him on the line of argument he has followed and which was acceptable to every member of this House. He dealt fairly with the case, without prejudice, and in a way which created a very good impression, and which I hope will have a moral influence all over the Dominion. I must also congratulate the hon. member from Ottawa on the way he spoke on this question. He was the father of the legislation relative to separate schools, or if not the father, he took a very great share in it in the past history of Canada. He has also dealt with the case fairly and justly, and with an object, which I have very much admired, not of creating obstacles, as might have been expected from a member opposing the Government, but in the direction of assisting to solve, if possible, the difficult question which is now agitating public opinion. He has stated what he thought himself, or what he hoped to be, a remedy.

After having said so much, I shall only refer to one or two points which address themselves directly to the responsibility of the Government. It has been stated, referring to the Manitoba School Act, that the law should have been vetoed. Hon. gentlemen will recollect that the case was immediately brought before the courts. Would it have been right for the Government by disallowing the Act to remove the question when submitted to the courts? Every fair-minded man will answer that at this stage of the case, it would have been an improper course to adopt. Moreover, it is established by the documents and the correspondence that has taken place upon this subject that the interested parties did not wish that it should be disallowed. It was not their prayer: it could only be disallowed, as the hon. member from De Lanaudière said, either on the ground of its being *ultra vires* or because contrary to the general interests of the Dominion. First of all, it could not be disallowed on the ground that it was unconstitutional, as the results obtained before the courts have shown the law of Manitoba to be within the jurisdiction of the Legislature of that province. Could it have been disallowed as contrary to the general interests of the Dominion, when the people who were the best judges of that interest at the time,—the people that lived in Manitoba, did not wish for it? The hon. member for Ottawa, discussing this matter, has pointed out the difficulty of disallowing the law at that time. He recalled the agitation and the difficulties that had occurred in Manitoba relative to railway acts, which had been previously disallowed, and that, under the circumstances, perhaps the peace and welfare of the Dominion required that the Act should be left to the decision of the courts. Therefore, I say that upon this point the Government in no way avoided their responsibility. Now dealing with this Manitoba case, have they again avoided their responsibility when they referred the case to the decision of the Supreme Court, and when it went before the Privy Council? The Government in this instance has followed exactly the wish expressed by Parliament, when they passed the Act, that, whenever questions arose relative to legislation on education, these should be referred to the Supreme Court. There again they have purely and simply followed the instructions of the Parliament of Canada, laid down by that law, inspired by the resolutions that Mr. Blake proposed to the House the previous session. Referring to the North-west Ordinance of 1892, I must state that it is not a proper time for the Government to discuss this case, nor is it possible to discuss the matter with sufficient information, before the

documents are brought down. Moreover, as the House has been informed, an Order in Council has been passed, making representations to the Executive Committee of the North-west Territories, relative to this law, drawing their attention to certain grievances expressed by the minority in that section of the Dominion.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. ANGERS—To that Order in Council, His Excellency the Governor General of Canada, and the Privy Council, have not received any answer yet, therefore it would be out of place to discuss the matter at this time before we have the answers of the authorities of the North-west Territories. Therefore, I cannot be expected to follow the hon. gentlemen who have addressed the House on this question, but I confess that they have spoken with a great deal of moderation, and that during the whole debate upon this burning question, not a word has been uttered by either speaker that could be offensive to the belief or the opinions held by any member of this House. The Government gives its assent to the motion of the hon. member for St. Bonifice. I hope every man of good-will in this House will study the documents thoroughly, so that, if possible, fuller justice may be done in the premises.

Hon. Mr. POWER—Hon. gentlemen, I think perhaps it might have been more considerate and more courteous on my part if I had spoken before, but the position was this : The hon. gentleman from St. Boniface had spoken and taken one view of the matter, and the hon. gentleman from Ottawa had expressed, on the whole, the same view ; then the hon. gentleman from Calgary had taken a view slightly different from them, and the hon. gentleman from De Lanaudière had again concurred with the views of the hon. member from St. Boniface and the hon. member from Ottawa, so that the discussion did not assume the form of a debate. As my views on the whole were somewhat similar to those of the hon. gentleman from St. Boniface and those who agreed with him, I did not care to stand up until I heard some one expressing a different opinion, as it makes speaking rather dull work if all take the same view. While it might have been more courteous on my part to have spoken before the hon. Minister, I do not think there is any absolute rule about it, and I am perfectly within my rights in speaking now. I quite concur in what has been said by the hon. member who has just sat down as to the character of the speeches which have been delivered here ; and I think there is no question at all as to the importance of the subject to which the motion of the hon. gentleman from St. Boniface refers. In my humble opinion, this question is really of more importance than the question to which so much attention is now being given in the other House. The changes in the tariff are not really of such consequence to the future of the country as this school question which is being discussed here ; and it is a subject for congratulation that the speeches made in this House upon the subject, have been of such a tone and character that in future days any member of this House can look back to them without any other feeling than one of pride and satisfaction. I do not think that any hon. gentleman who has spoken has said anything which he may hereafter have occasion to regret. I might perhaps qualify that statement and say that the view of the decision of the Privy Council taken by one speaker was perhaps a little extreme. Now, hon. gentlemen, the misfortune is that those speeches, which might be calculated, if known to the public to influence popular opinion in the proper direction, are unfortunately not very likely to reach the public, unless the gentlemen who have delivered the speeches take particular pains to see that they do. No matter of how little consequence the subject under discussion in another place may be, or how little wisdom there may be in a speech, it gets before the public. The representatives of the press are there, and they take care that what every member says is put before the public. In this chamber, no matter how important the subject nor how great the wisdom of the speakers, the public as a rule knows nothing about what is being said. Having said so much by way of preface, I may be allowed, with all diffidence, to place my own views on the subject before the House. I think if there is one characteristic which is supposed to be peculiarly that of the present day, it is religious toleration. Not only is there supposed to be nowadays no attempt to make the minority conform to the views of the majority by coercion, not only is there

no resort to torture or fine or imprisonment or banishment by way of convincing the minority that they are wrong, but the legislature nowadays professes to have regard for the conscientious convictions of every citizen. Legislation now professes that it not only does not compel a citizen to do anything contrary to his honest views of what is right, but that it permits the citizen to do whatever his conscience directs him to do; provided always, of course, that his conscience does not direct him to do anything which will seriously interfere with the welfare and comfort of his fellow-citizens; and, hon. gentlemen, this fact has been made clear by the experience of the last few years in Canada—and I think that the same might be said of the United Kingdom and the United States, —that no section of the community can be oppressed or can be made to feel that it is labouring under injustice for any length of time without ultimate serious injury to the majority, as a result of that condition of things. Any political party which for any length of time treats a minority with injustice is sure itself to suffer in the long run. Hon. gentlemen need not go back a great many years to find that that has been the experience—I think in all the older provinces of the Dominion. I know it has been so in my own province; it has been so in Ontario; and I am satisfied that the party who in the province of Manitoba are to-day dealing unfairly with the minority, will themselves suffer ultimately for what they are doing, unless they retrace their steps and do to the minority that which is fair and generous. It is clear nowadays that the conscientious convictions of the minority have to be respected. The conscientious conviction of Catholics as a body, is that religious training should accompany secular training. I do not say whether we are right or wrong in that view; but that is the view entertained by the Roman Catholic ecclesiastical authorities, and by the great bulk of the Catholic people—we feel that sufficient religious training cannot be got on Sunday, that if you keep clear of God Almighty all the week, you hardly get very close to him on Sunday. It is felt by our people that children should be given instruction in Christian doctrine during the week, and should be taught religious exercises. A great many people say in reply, that this can be done by the parents and by the pastors. If parents were all perfect, if no parents were ignorant or drunken or careless, that would be quite true, but we all know that a great many parents are not qualified, or have not the leisure nor opportunity to give their children that religious instruction which they should get. Other gentlemen say you can have in the common school, where all can go, religious instruction as far as all denominations agree on the great fundamentals of religion. It has been found by experience that that is quite impracticable. You cannot have religious instruction in matters that are common to all forms even of Christian belief, because there is no article of Christian doctrine so fundamental that it is not denied by some body which calls itself Christian; and if religious instruction is to be given only in those articles upon which all Christians agree, the religious instruction will amount to nothing at all. Experience has shown that, and we have to bear it in mind; so that rightly or wrongly—I am only expressing what is the Catholic view on the matter—Catholics as a body hold that schools should be taught by Catholic teachers, and that those teachers should give instruction during some portion of the day in Christian doctrine as well as in worldly knowledge. Catholic authorities hold that this rule applies more particularly to primary and elementary schools where the younger children are taught. After children reach the age of 15 or 16 it is not considered so necessary, but it is held to be indispensable in the case of young children. The modern principle being toleration and regard for the conscientious convictions of citizens, and the view of Catholic citizens being as I have put it, that means that they should have separate schools, and it is a breach of this modern principle of toleration for a Government to say to a Catholic citizen "we shall give no public help to any school to which you can conscientiously send your children, and at the same time we shall by taxation take your means to support schools of which you cannot conscientiously avail yourselves," and to add, "if you must have schools to meet your peculiar views you must pay for them out of your own pockets in addition to paying for those schools of which you cannot approve." Clearly that is a grievance and according to the priciples of toleration which prevail nowadays, that position is not tenable. It is substantially the same position as is taken by the advocates of state churches—

substantially state schools are in the same position as state churches—that is, to the people who disapprove of state schools. No-one to-day would dream of establishing a state church in America and compelling people of other denominations to contribute to its support; yet the people who would be the last in the world to do that are just the people who are most strenuous in advocating compulsory state schools. It is clear that there is a very strong, to my mind a conclusive argument in favour of granting Catholics separate schools; that is, of course, where the Catholic population is large enough to justify their having separate shools. What are the essentials of those separate schools? The first essential is Catholic teachers —I think all Catholics agree about that. The next essential is that at some time during the school day, instruction shall be given in Christian doctrine and more or less in religious practices; and the third point, which is necessary to place the Catholic on the same footing as his neighbour, is that the Catholic schools shall receive payments from the public. Those payments may be based upon different principles. The payments may be made from school rates levied on the Catholic rate payers. That is the case in Ontario—the Catholic separate schools receive certain rates which are levied on the Catholic ratepayers with their own consent and concurrence. In addition to that a comparatively small sum is received from the provincial Government. The same amount per capita is paid out of the provincial treasury to the Catholic schools as to the other schools in Ontario, but the great burden of supporting the separate schools in Ontario is borne by the Catholic ratepayers. That is one plan. Another plan is that a part of the general school fund equivalent to that contributed by the Catholics should be set apart by them. That is, that the same machinery should be used for collecting funds for both the dissentient and the public schools, and the dissentient schools should receive the amount contributed by the dissentient ratepayers. It is the same in substance, but it saves the additional machinery. The other way is—and that is the plan which was provided by the bill of rights in Manitoba, as stated by the hon. gentleman from De Lanaudière—that the dissentient schools should receive a portion of the school funds, proportionate to the number of Catholics, bearing the same proportion to the number of Catholics that the amount granted to the public schools bears to that of the Protestants. I may say that in my own province, where in some places they have practically separate schools, the money is paid out of the general school fund—there is no separate assessment for Catholic purposes. I take these conditions which I have laid down to be essential, these are the essential conditions as to the Catholic schools and these only. On the other hand, if public money is paid to aid separate schools I think the public have a right to be satisfied that the teachers in the schools are qualified to give satisfactory instruction in secular knowledge. The state does not inquire as to the character of the religious instruction, but the state, if it contributes money in aid of a school, has a right to be satisfied that the secular instruction given in that school is up to a reasonable standard. With this object it is perfectly fair and reasonable that the schools should be examined by a duly qualified inspector, and I do not think it would be unfair to require that each teacher should furnish satisfactory evidence of proper training. What would be the effect of the introduction of a system of separate schools of the character indicated? In the first place, it would meet the reasonable demands of the Roman Catholic minority without seriously injuring or interfering with any other denomination. There would be—what the state could fairly require—a guarantee that all children in the state were receiving proper training in worldly knowledge; and I do not think that giving to members of a dissenting denomination, whether Roman Catholic or Protestant, the money which they themselves contributed would be a ground for reasonable complaint on the part of anybody else. There is this other feature about it, which is not considered, perhaps, as frequently as it might be—that the system of separate schools gives the majority a chance to have schools more according to their wishes than they could have if the children of the minority attended the same school. For instance, it is quite practicable that King James's Bible shall be read in the public schools if there are no Catholic children present. Whatever may be thought about separate schools by our friends of other denominations, in other provinces, we know what they think about separate schools in the province

of Quebec. In the province of Quebec Protestants are in the same position in which Catholics are in the other provinces. I suppose there are not fifty Protestants in the province of Quebec who to-day would be satisfied to abolish the separate schools in that province. Our brothers of other denominations in other provinces ought to bear that fact in mind, and be prepared to deal with others as they wish to be dealt with themselves.

Having tried to make clear what separate schools mean, I may be permitted to ask the House to glance briefly at the history of the question. We heard from the hon. gentleman from Ottawa the history of the question in the old Province of Canada. They thought there that the measure introduced by the hon. gentleman himself in 1863 settled the question for good. There had been dissension and ill feeling, and this bill when passed was supposed to have done a great deal to put an end to that, and for a great many years there was very little of that ill feeling. In the lower provinces the position is somewhat different. Free public schools, except, I think, in Nova Scotia where they date back to 1865, have been introduced in all the provinces since Confederation. In the province of Nova Scotia, although there is no provision in the law for separate schools, the people of the province and the governments of the province of both political views, have been so tolerant and have shown such tact in administering the law, that there has never been any serious ground for complaint on the part of the minority. I may mention one fact, that in certain districts in the province of Nova Scotia where the population is largely French, the Government have for years been in the habit of supplying the children with bi-lingual readers. They learn French as well as English. All this is done without any disturbance or excitement or any petitions to the Throne or anything of that sort. Everything is the result simply of common sense and toleration. That is just about what it comes to. In the province of New Brunswick a different course was adopted. Hon. gentlemen know, and reference has been made to the subject during this discussion, what feeling there was in this Parliament something over twenty years ago in connection with the New Brunswick schools. The decision was against the minority in New Brunswick; and if I remember rightly the decision in the Privy Council—I think the case went to the Privy Council—was based on the fact that the minority there had nothing guaranteed them by law. They were in a position to establish that there had been separate schools by custom and practice, but the decision went against them because it was not stated in the British North America Act that custom or practice should be equivalent to law. The decision was against the minority in the province of New Brunswick. Not withstanding that, the people who won the victory have since, in a great many instances at any rate, come round to the views of their neighbours in Nova Scotia, and practically the schools in many places in New Brunswick are conducted in the same way as the schools in Nova Scotia, and there is very little friction or difficulty I think in New Brunswick to-day; and my impression is—I do not undertake to speak very positively—that in Prince Edward Island the case is about the same. The hon. gentleman from Calgary made some reference to the political aspect of the matter in Prince Edward Island. I do not think that hon. gentlemen in this House who are familiar with what took place in Prince Edward Island would endorse what the hon. gentleman said, because in Prince Edward Island, if I am not misinformed, neither party was prepared to meet the views of the Catholic minority.

Since that time and under the administration of Mr. Davies such measures were taken as, I believe, in a great measure at any rate, to meet the view of the minority. As I understand it, there is no very serious dissatisfaction in Prince Edward Island now. There may be, but I have not so understood it. I do not speak positively with respect to Prince Edward Island; I simply give my impression. I know that steps were taken several years ago, in 1877 or 1878, which met, to a certain degree at any rate, the views of the Catholic minority in Prince Edward Island.

Now we come to the province of Manitoba. In Manitoba there was, as several hon. gentlemen have stated, a system of denominational schools existing before confederation. They were not state schools, and were not public schools. In 1871, after the entry of the province of Manitoba into the union, an Act was passed providing for separate schools; and that Act was in conformity

with the article of the Bill of Rights to which the hon. member from DeLanaudière has called the attention of the House. There is just one circumstance with respect to the Manitoba Act of 1870 to which attention has not been called, and which I think is a matter to be very much regretted. If hon. gentlemen look at the 93rd section of the British North America Act, they will find this provision in the third paragraph :

> Where in any province a system of separate or dissentient schools exists by law at the Union or is thereafter established by the Legislature of the province, an appeal shall lie to the Governor General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

Now, it is very much to be regretted that the words "or is thereafter established by the Legislature of the province," were not inserted in the Manitoba Act. If those words had been found in the Manitoba Act of 1870, the difficulty which the minority in that province are now labouring under would not exist. Therefore the responsibility for the existing condition of things rests to a certain extent upon the administration who were in power in 1870 and who did not put that provision of the British North America Act into the Manitoba Act. There is this provision that :

> (2.) An appeal shall lie to the Privy Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

As to the effect of that I am not perfectly clear. The appeal to the Privy Council took place on the first paragraph :

> (1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

And I think that probably the construction put on it was that paragraph 2 applied only to the cases referred to in 1 ; but it will be seen that the Manitoba Act does not contain the provision which is in the British North America Act and I think it is very much to be regretted that it does not. Now, hon. gentlemen, supposing that there was no provision in the Manitoba Act for the protection of the Catholic schools, I think that it would have been the duty of the majority in that province not to have interfered with the rights or privileges—if you choose to call them privileges—which had been granted to or exercised and enjoyed by the minority. I think that, looking at the treatment received by the minority in the province of Quebec at the hands of the majority there, and even apart from that, looking at the thing merely from the standpoint of fair play, the conduct of the Legislature of Manitoba was exceedingly ungenerous ; and under the actual circumstances of the case this law of 1890 was a gross breach of faith. There is no doubt about that, and I think there is no doubt that the law as to Manitoba, if interpreted in a broad and liberal spirit, was quite clear enough ; and in my humble judgment the decision of our own Supreme Court is a much sounder decision than the decision of the Privy Council. Now, what has been the result of the decision of the Privy Council ? It is practically that as far as regards the province of Manitoba, the good feeling and harmony which had existed there from 1870, from the time when the province came into the union until 1890, has disappeared to a very considerable extent, and not only the people of Manitoba, but the people throughout the country are in a certain measure thrown back into turmoil and dissensions such as prevailed in old Canada in the early sixties and between 1855 and 1860. Of course, hon. gentlemen, the fundamental cause of all this difficulty, of the popular feeling of animosity which exists between people of different denominations, is largely the want of knowledge. I think that there is generally in this feeling of hostility very little unadulterated malignity ; it is simply the result of want of knowledge ; people do not know one another and do not understand one another, and what they do not know and do not understand they think is something objectionable and bad. That is the fact at any rate as regards the masses ; and on the part of some of the leading members of the community—these are the people who as a rule make the trouble—the ill-feeling is the result of a want of honesty. I do not see what our views as to questions of religion or our religious beliefs have to do with our duties as citizens. Of course, presumably a good Christian is a better citizen than one who is not a Christian, but I do not think that the particular form of Christianity which a man professes ought to have very much to do with the manner in which he is regarded as a citizen. For instance, take the hon. leader of the House and

your humble servant: the hon. gentleman probably thinks that I am very foolish to believe that if I try to lead a fairly good life here I may succeed in getting to purgatory after I leave this world; and I may think it is a great pity that the hon. gentleman who is so good a citizen may afterwards go further and fare worse. I can respect the hon. gentleman and co-operate with him in trying to conduct the business of this House or any other business which as citizens we are interested in, just as well as though I thought he was perfectly certain to "climb the golden stairs." There is one other point which I think it might be well to make clear in dealing with this point that it is want of knowledge, want of familiarity which leads to ill-feeling. Take the province of Quebec, there we find that the members of the different Protestant denominations are perfectly easy as to the attitude assumed by the Roman Catholic majority. Go down to the Lower St. Lawrence where there is perhaps one Protestant in 1,000 of the population, and that one man sleeps as comfortably at night as though the people all round him were of his own creed. It is only up in Western Ontario, and away out on the prairies, where there are hardly any Roman Catholics, that people go to bed at night afraid that they may be massacred before morning by the emissaries of the Pope.

So far I have not said anything as to which there can be much difference of opinion. As to the responsibility for the condition of things which unfortunately does exist, although perhaps not to so great a degree as some people believe, I do not altogether agree with some hon. gentlemen who have spoken. In the first place there is no doubt that just at the present time there seems to be a wave of intolerance passing over the northern part of the continent. There is a good deal of it in the Western States as well as Western Canada. It has been said—I notice that the hon. gentleman from St. Boniface made reference to the fact once or twice, I do not say improperly—that it was a Liberal administration which had caused the difficulty in Manitoba.

An hon. MEMBER—Hear, hear.

Hon. Mr. POWER—I am glad to find that my hon. colleague agrees with me so far; I hope he will continue to agree with me. Now where did this feeling originate? Was it in Manitoba? Not at all. This feeling, which has broken out with considerable strength in Manitoba, originated in Ontario. And with whom did it originate? It originated with Conservative opponents of the administration of Mr. Mowat. Since 1886 the Conservatives in Ontario have adopted the policy of hostility to Catholics as part of their programme, not avowedly perhaps in 1886 and 1887; but in the provincial election campaign of 1890, every one knows that the cry of Mr. Meredith's supporters was "hostility to Catholics and particularly to Catholic schools." And every one knows that since the election of 1890 that same policy has been pursued by the same party. The people who introduced the school difficulty in Manitoba might very well have taken lessons from the Conservatives in Ontario; but more than that, a gentleman who at that time occupied a very prominent position in the Conservative party in Ontario went up into Manitoba and the North-west and lectured there and stired up anti-Catholic feeling.

Hon. Mr. BOWELL—And that gentleman has joined your party.

Hon. Mr. POWER—No, he has carefully refrained from joining our party; I suppose if our party would adopt his platform, he would join us; but he has not done so. If hon. gentlemen opposite say that Mr. Meredith is not to have the support of the Conservatives during the coming election, then we can perhaps absolve them from any responsibility for the state of things which exists in Ontario.

Hon. Mr. BOWELL—It is not my province to defend Mr. Meredith; but if the hon. gentleman will quote a single sentence of Mr. Meredith's utterances during the campaign, or before it, in which he raised that cry, I would like to hear it. I have paid some attention to politics, and I have failed to find it.

Hon. Mr. POWER—There are hon. gentlemen who keep scrap books, but I have failed to do it. I do not know what Mr. Meredith has said or what he has not said; but I know and everybody else knows that the great cry of the Conservatives in Ontario at the last local election was hostility to the separate schools.

Hon. Mr. BOWELL—No.

Hon. Mr. POWER—The introducer of the Manitoba school law simply took a leaf out of Mr. Meredith's book ; and as his constituency was a different one, he had more success than Mr. Meredith had. What do we find to-day? I read in the *Ottawa Citizen* this morning of certain transactions which took place at Hamilton. I read there that the Provincial Secretary of Ontario, Mr. Gibson, is not to be opposed in the city of Hamilton by a regular Conservative : but that the P. P. A. are bringing a candidate and that the Conservatives of Hamilton are to support the P. P. A. candidate.

Hon. Mr. BOWELL—Who says that ?

Hon. Mr. POWER—That is what the *Citizen* says this morning, and I have seen the item in another paper too. That rather goes to show that there are other people than "Yellow Martin," whose record will not bear looking into.

Hon. Mr. BOWELL—Will the hon. gentleman hold himself responsible for everything which appears in the Liberal press ?

Hon. Mr. POWER—This is in a despatch. The *Citizen* is good authority until it is contradicted. Every hon. gentleman here is perfectly aware that the principal cry upon which it is expected to oust Sir Oliver Mowat at the next election is just that intolerant cry.

Hon. Mr. BOWELL—Does the hon. gentleman know who was elected mayor of Hamilton by the P. P. A. ?

Hon. Mr. POWER—No, I do not.

Hon. Mr. BOWELL—Well, Mr. Stewart, a member of the P. P. A. was elected.

Hon. Mr. POWER—That may be so. This mayor was elected by the Conservatives.

Hon. Mr. BOWELL—A straight Conservative ran.

Hon. Mr. POWER—I had proposed to make some reference to certain statements made by other hon. gentlemen, but if the debate is to close this afternoon I shall end now. I understand, however, some other hon. gentlemen wish to speak, and that being the case, I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

---

## THE SENATE.

*Ottawa, Monday, April 9, 1894.*

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## MANITOBA AND NORTH-WEST SCHOOL ACTS.

DEBATE CONCLUDED.

The Order of the Day being called,

Resuming the further adjourned Debate on the motion of the Honourable Mr. Bernier :—

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the House, copies of all School ordinances, School regulations and amendments thereto, adopted by the Legislative Assembly, the Executive, and any Board or Council of Education, in reference to the establishment, maintenance and administration of Schools in the North-west Territories since 1885 ;

Also, for copies of all petitions, memorials and correspondence in reference thereto ;

Also for copies of all Orders in Council, reports to the Governor General in Council, and all communications and representations to the authorities in the North-west Territories.—(Honourable Mr. Power.)

Hon. Mr. POWER said : I may be allowed, perhaps, before concluding the observations which I had proposed to make, to correct a misapprehension which appears to exist in the minds of some hon. members as to the meaning of the language which I used on Friday last. I laid down the proposition that animosity between different sections of the community and more particularly between sections which differ in their form of religious belief, were, as a rule, the result very largely of want of knowledge, want of acquaintanceship one with the other, and I used as an illustration the case of a Protestant living down on the lower St. Lawrence, where 99 out of 100 of the population, or a larger proportion than that, belonged to the Roman Catholic faith, and pointed out that

this one Protestant was perfectly easy and comfortable and not nervous about any possible harm being done to him by his neighbours, and took on the other hand the case of a man of the same creed in western Ontario, where Catholics were very scarce, and who was very much alarmed for fear some serious mischief might be done to himself and his family by his Catholic neighbours. When I used that illustration I did not mean to intimate that the evil results of this want of knowledge were confined to the Protestants. I meant to intimate that the same thing was true of Catholics although perhaps not quite to the same extent, and that Protestants as a rule were fairer minded and more disposed to be tolerant and generous to their Catholic fellow-citizens than Catholics who were not well acquainted with Protestants, supposed them to be. I can furnish illustrations of that fact from my own experience: for instance, it was my fortune to be for nearly thirteen years a commissioner of schools for the city of Halifax, where the great majority of my fellow commissioners did not belong to the same creed as myself, and during all those years I found, as a general rule, that if our case was put fairly and calmly, and in a friendly spirit, the majority of the board were disposed to do what was fair and liberal towards us. Then, hon. gentlemen, I proceeded to intimate my opinion that the conditions of popular feeling which now unfortunately exist to a considerable degree in the west did not originate so much with the honest, even though ill-informed masses, as with persons who knew better, but who were not honest, and who were prepared to excite popular prejudices to further their own personal or political ends. I think that this proposition will be generally admitted; and, then, inasmuch as some hon. gentlemen who had preceded me had taken the ground that the firebrands, if one may call them so, were chiefly members of the Liberal party, I pointed out the fact that this fire did not originate in Manitoba, but that it had originated in the province of Ontario, where it had been used for the purpose of the Conservative party, and where, as I understand, it is still being used for those purposes.

Having said so much by way of explanation, let me turn to the history of the case again. I quite agree with the hon. gentleman from DeLanaudière that the Act of 1890 should have been disallowed. The Manitoba Act of 1870 in its 22nd section provides that the legislation of the province with respect to education shall be subject to the following provisions:

> Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union.

Now, hon. gentlemen, the Catholics at the time of the union had the right to have their denominational schools, without being called upon to contribute by way of taxation or otherwise to any other class of schools. That was an exceedingly important privilege, yet that privilege has been taken away; and the Judicial Committee of the Privy Council have apparently decided that that was not a privilege. The second paragraph of this section which I have read says:

> An appeal shall lie to the Governor in Council from any Act or decision of the Legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

I should not care to speak too positively, but it seems to me that under that paragraph an appeal now lies to the Governor General in Council from this Act of the province of Manitoba. There is no limitation to the time here—it is not a case similar to the disallowance of a bill. This is a special provision with respect to education which contains no limitation as to time, and in my humble opinion it is still in force, and under it the Dominion Executive are still in a position to disallow the Act; and I think they should disallow it.

Hon. Mr. LOUGHEED—I would ask my hon. friend if he is aware that under that particular clause a reference has been made by the Governor in Council to the Supreme Court, and the Supreme Court of Canada has held it did not apply to Manitoba?

Hon. Mr. POWER—I am disposed to think that the Government made a mistake in allowing the first reference to the Privy Council, and that they made a further mistake in allowing this reference to the Supreme Court. I think they should have taken the bull by the horns and disposed of the matter. There might have been an excitement for a few months, but then it would have been all over. The Minister of Agriculture gave as an excuse for the inaction of the Government the fact that the Catho-

lics of Manitoba went to the courts in the first instance. I presume that the action of the local people did not preclude the Governor in Council from taking the action which they had a right to take, and I think, further, that if it had been intimated that the Governor in Council proposed to act, in all probability no action would have been taken on the spot. I may be allowed before concluding to make a few observations on the speech of the hon. gentleman from Calgary. I have already dealt with the point as to the responsibility of the Liberals for the Manitoba Act of 1890. That is admitted—that the Liberal Government were responsible for the passing of that Act; and I have already expressed my opinion that they will in future pay dearly for their action. The hon. gentleman went further in trying to lead the House to the belief that this was entirely a Liberal movement. He referred to the recent election to the House of Commons of a member for Winnipeg; but the hon. gentleman, while telling us that Mr. Martin was the introducer of this objectionable school measure, did not tell us that Mr. Campbell, who opposed Mr. Martin, was just as strong an advocate of the Manitoba School Act as Mr. Martin was, and that so completely was that the case that Archbishop Taché gave his people to understand that there was no difference between the two candidates, looked at from the Catholic standpoint, and that his people were free to vote whichever way they pleased; so I do not think there is very much weight in what the hon. gentleman said on the subject of that Winnipeg election. Then the hon. member drew the picture of the hon. gentleman from Winnipeg being introduced between the leader of the Opposition and Mr. Davies. Suppose that Mr. Campbell had been elected, does any hon. gentleman suppose that he would not have been introduced by prominent Conservatives? The probabilities are he would have been introduced between the Premier and the Controller of Customs. The hon. gentleman, in order to make his argument stronger, to the effect that the Liberals were the people who were hostile to the separate schools, went down to Prince Edward Island and talked about what had been done there by Mr. Davies. As I understand —I speak subject to correction—the Act passed by the Davies administration in Prince Edward Island did not in any manner affect the school law with respect to the various denominations. It made better provision for the support of the schools, but did not alter in any way the relations of the denominations to the public schools, so that there is no parallel at all between the case of Prince Edward Island and that of Manitoba. Leaving this rather burning question of Manitoba, the hon. gentleman dealt with the case of the North-west Territories and he seemed to think it unreasonable that the Catholics in the North-west Territories should be nervous as to the fate of their separate schools. Having the example of Manitoba before their eyes, it is not to be wondered at that the supporters of the dissentient schools in the North-west Territories were a little nervous. I trust that, as the hon. gentleman has said, there is no intention on the part of the Government of the North-west Territories to unduly interfere with the dissentient schools there. To be frank about it, I do not myself attach very much consequence to the change with respect to the inspection of the schools. I think that in a country where the public funds are as limited as they are in the North-west Territories, it is rather too much to expect that the country should pay for two sets of school inspectors. I think that one inspector, if he does his duty fairly, ought to be enough to inspect the schools of a district—the schools of all kinds. Of course when he goes into a Catholic school he will not make an inspection there as to the manner in which the Christian doctrine is taught, or anything of that sort, but it would be his duty to see that in the matter of secular knowledge this school was on the same level, or nearly so, as the public schools.

Hon. Mr. SCOTT—It is his duty to see that no religious instruction is given before half-past three. He cannot permit a catechism or religious book to be used.

Hon. Mr. POWER—I think that that is a little unreasonable, but still it is not a vital matter altogether.

Hon. Mr. BOWELL—What does the hon. gentleman call unreasonable?

Hon. Mr. POWER—I said I thought it was somewhat unreasonable to forbid the giving of religious instruction up to half past

three; and if the schools are recognized as separate schools it does strike me as being perhaps a little unreasonable to prevent religious instruction at any time of the day. I presume the idea is that a certain number of hours shall be given to secular instruction. The only thing that strikes me as being very seriously objectionable in the present school regulations for the North-west, as far as I could gather from the speeches made by hon. gentlemen and from a hasty perusal of some of the regulations myself, is that there does not seem to be an easy method provided for the supplying of teachers to the dissentient schools. It is not to be expected that the members of a religious community, shall go through the normal school or even attend the normal school lectures, and there does not appear to be any provision made in these regulations which especially authorized the admission of a dissentient teacher to teach, on passing an examination showing that that teacher is qualified to teach the branches which are required to be taught in public schools. It may be that the regulations are intended to allow that, but it is not so expressed and I think that that is to be regretted. Going back for a moment to the disallowance of this Act, the hon. gentleman from DeLanaudière quoted a well known opinion of Sir John Macdonald's to the effect that there were two cases in which a provincial law might be disallowed. It might be disallowed if it was unconstitutional and it might be disallowed if it was injurious to the whole country. Now, hon. gentlemen, whether this Manitoba Act could have been disallowed on the first ground or not, I think it certainly could be disallowed on the second ground. I do not think there is any doubt that this legislation has been injurious to the whole country. It has done a great deal to stir up ill feeling where there was peace before and this is most injurious; and is likely to have a very serious effect upon the prospects of Manitoba and the North-west. It is very likely to prevent the immigration into that country of people from the province of Quebec and of Catholics from other parts of the world; and we want all the people that we can get in that country; that is just what the country needs. We have a vast country there which we have spent immense sums to develop; and all that the country wants is population. Any legislation, which is calculated to keep out any considerable number of immigrants to whom there is no special objection, is injurious to the whole country. So that I think on that ground the Government would have been perfectly justified in disallowing the legislation. One may call attention to the fact that bills have been disallowed where there was a question as to the right to disallow; for instance take the Rivers and Streams Bill of Ontario. That bill was disallowed, I think, three times; so that when the Government had made up their minds that a bill was objectionable they had not much hesitation in undertaking to disallow it and they did not wait for a decision as to the constitutionality of the Act to disallow. The question is what is to be done now? And it is a question that is not very easy to answer. My own impression still is that under the Manitoba Act of 1870 the Government are at liberty to disallow the Act; and I think that if that be the case it would be their duty to do it so as to give time for calm consideration and to allow the Legislature of Manitoba to do justice to their Catholic fellow-citizens.

Hon. Mr. MACDONALD (B.C.)—Has not the time for disallowance expired?

Hon. Mr. POWER—I do not know; that is just the question.

Hon. Mr. SCOTT—Yes, for disallowance, but not for appeal.

Hon. Mr. POWER—I think, hon. gentlemen, that whatever may be the duty of the Government, the duty of every Canadian citizen is to try and inspire broader views into the minds of our people, and to cultivate more charitable feelings between the various denominations of which our population is composed; and that above all we should frown down all attempts by politicians to use religion as a political instrument, and that we should try and infuse into the hearts of our people both east and west a philanthropy that shall be at least as wide as Canada. We can hardly expect to see what the poet did expect to see some 50 years ago, a time when the battle flags should be furled in the Parliament of man, the federation of the world; but at least we should try to have the battle flags of contending denominations furled in our federation of Canada.

Hon. Mr. KAULBACH—I would not trespass upon the time of the House if it were not for the speech of my hon. friend from Halifax. I agree with him to some extent, and I am glad that he has qualified the statement that he made at the close of his remarks the other day. My hon. friend spoke of the alleged trickery by which the Greenway Government deprived the Roman Catholic schools of their rights in Manitoba. He endeavoured to make it appear that it did not originate in Manitoba ; that it emanated from Ontario, and in particular he mentioned the Meredith party. I am inclined to think my hon. friend in making that assertion was drawing largely on his own imagination. He knows no more about it than I do, and I prefer leaving that question to be dealt with by the people coming from that part of the country, who are more conversant with the facts and local political matters than I am. If he had listened to the remarks of my hon. friend from St. Boniface, he must know that the Liberal party in Manitoba got into power on false pretenses, on a pledge that constitutional privileges which had been given to the Catholics in Manitoba would be kept inviolate. Mr. Martin and Mr. Fisher and the present leader of the Government declared positively that they did not intend to interfere with the constitution of Manitoba as regards separate schools ; that it was their right, and should be maintained that they had it under the constitution and it would not be interfered with. Upon that pledge they succeeded in defeating the provincial secretary, Mr. Burke, I think his name was, and returned a man who was opposed to the Government. We find also from the remarks of my hon. friend from St. Boniface that the Liberal party imposed upon the credulity of His Grace, the Archbishop of Manitoba, to such an extent as to make him believe that their policy would not interfere with their separate schools as constituted by law. But no sooner had they got into power than they violated all their pledges, and Mr. Martin introduced the following year a bill not only to deprive them of the use of the French language, but also of their separate schools —not only confiscating their schools, but their school property. From first to last, I believe it was a plot of the Liberals themselves. I believe the Jesuit Estates Bill in Quebec and this bill in Manitoba were intended to kindle a flame against the Catholic Church and which could be used for political purposes—that this was well understood, and that they believed then they were acting contrary to the constitution. They believed that the legislation was *ultra vires* and that the Federal Government would veto it and thus raise the old Protestant cry throughout the country. That was the position they took, but their plan failed, and why? Those who were in favour of continuing separate schools appealed to their own court. That court confirmed the legislation and pronounced it *intra vires*. Had the Government of Canada interfered at that stage, after the court had pronounced upon the constitutionality of the Act of 1890, they would have committed a great wrong, and created hostility throughout this country. The Liberals would have raised the provincial rights cry ; they would have raised the cry of Catholic ascendency in the country, and no Government could have stood the pressure which would have been brought to bear against them. The Government did what I believe the leader of the Opposition would have done had he been in power, the same as he did with Prince Edward Island when they came here asking for separate schools for the minority there. It is very easy to be wise after an event happens. My hon. friend believed in the appeal to the Privy Council of England. He had full confidence in the Privy Council and believed, as most people believed, that the result of that appeal would have been quite different from the judgment that they rendered. I do not fully agree with the decision of the Privy Council ; at the same time, it is now established and this Government would be neglecting their duty and violating the law and the constitution if they were to interfere in the way proposed by my hon. friend. But the hon. member from Halifax would like nothing better. He would fold his arms and see this country from one end to the other torn to pieces over this vexed question. My hon. friend knows well enough that should a question of that kind arise here, and the Government take the course which he has indicated, it would not last many days. The Government would have popular feeling against them ; the representatives of the people would be unable to support them, because the feeling of the country is that such matters should be decided in a constitu-

tional way. The judgment of the Privy Council, although in harmony with the highest court in Manitoba, is, in my humble opinion, inconsistent with the intention and meaning of the word *practice* in the Manitoba Act of 1876. The Act of 1890 certainly does prejudicially affect the rights and privileges of denominational schools as held, practised and enjoyed for nearly twenty years. Renowned as the law lords rightly are for scholarship and ability, and knowing the weight and effect which necessarily must attach to their opinions, yet carefully looking into the case, to me it would appear that their Lordships did not grasp the full and correct meaning of the terms denominational and separate schools, and their right to exemption from public schools tax under the Manitoba Act of Union. It is here well known that the spirit and intention was to preserve to the Roman Catholics in Manitoba all their rights, privileges and advantages as they then enjoyed them in relation to denominational schools. Though some of us may very much disapprove of the decision of the Privy Council, we must, nevertheless, bow to it and endeavour by all means to live harmoniously together and reconcile these discordant elements in the population. I am in favour of separate schools myself. Our church, the Anglican, as well as the Roman Catholic, always has favoured separate schools. I do not believe in Godless schools. I believe they make clever men devils. If all we live for is to make men clever, it might be very well; but we should educate people in a proper way, not merely to live for this world but to prepare them for another. Much as we may regret the fact, it seems impossible that Christians of different denominations can agree upon the fundamental principles of Christianity and prepare text books which all may agree to use. Possibly some day we may arrive at an agreement upon that subject. In this House we have agreed upon a form of prayer and selections from the Scriptures which all of us can accept. Societies throughout the country are able to meet together and use some form of prayer, and read some texts of Scripture, so it is quite possible that some day we can agree upon the cardinal principles of faith and without endeavouring to enforce our peculiar ideas, we can have a certain amount of religious instruction given in the public schools. But this question must be left entirely to the provincial authorities. The people of Manitoba have their provincial rights and those rights have been confirmed by the decision of the Privy Council. The only course open for the minority is to endeavour, if possible, to act in a manner which may induce those who are in power in Manitoba to show a Christian feeling and do justice to them as far as possible, allowing them, in sections where they are sufficiently numerous, to have religion taught in their schools so that they will not be entirely godless schools. My hon. friend from Ottawa gave us the history of the separate schools and in all that he said I quite agree with him, but I think it ill became him to disparage the highest court of appeal of the Empire. I am under the impression that my hon. friend had a high opinion of the Privy Council until this decision, and he, like many other lawyers who lose a case, blames the court for its decision. We, lawyers, are accustomed to put off our clients, when we lose a case, by saying it was the stupid judge or the stupid jury. If the decision had been the other way in this case, my hon. friend would have been strong in the expression of his approval of the court which he used to regard as the great bulwark of our constitution, but as the decision has gone against his views, and he has strong religious feelings in the matter and thinks that his church has been wronged and injured, and I am entirely with him in that view, he has ventured to make remarks with regard to the Privy Council which are not consistent with the facts. I had the pleasure myself of visiting that court of appeal and was very much impressed with the dignified manner with which it was conducted. The hon. gentleman's disparaging remarks about the court must have been founded on his own fertile imagination. The court is composed of the ablest jurists in the land. men familiar with every question coming up from the remotest parts of the Empire, and men as qualified to judge, with regard to the right of every person under our federal system, as any men in the world could be. I think the hon. gentlemen went far out of his way in making the remarks that he did and he should eliminate these remarks from his speech. His criticism was uncalled for and had no foundation in fact and arose simply from ill-feeling and discontent caused by the judgment of the court. My hon. friend appealed for peace, toleration and liberty of

the subject in Canada. In that I am quite with him. That is the only way in which we can have this difficult question, which is causing so much controversy, properly terminated. We must endeavour to live in harmony and the only way is to be just and tolerant. A minority cannot long suffer wrong ; the people will rise against it and demand justice to all. On the other hand, I do not approve of the suggestion that the Dominion Government should have disallowed the legislation of Manitoba. Even now, my hon. friend from Ottawa would not undertake to say that this Parliament, in defiance of the decision of the highest court in the empire, should take any action which would counteract the will of the people of Manitoba. He knows very well that the government which would sanction such a course, would raise a storm which it would be difficult to quell. They would have been hurled from power in a very short time. Therefore I am with the Government in the course they have taken. It commended itself at the time to all parties, Catholic as well as Protestant, and we must only regret that these people in Manitoba have violated their pledges and passed a law without having the public opinion of Manitoba with them at the time. They did it in violation of their pledges to the Catholic body, and I believe that it will recoil on them acting the way they did. It was an injustice and a violation of their pledges given to His Grace the Archbishop and the people of the country, and it must redound to their disadvantage. The spirit of Nemesis yet lives, and will punish the tyrannical abuse of power. But my hon. friend must feel that this whole thing has originated in Manitoba with the Liberals themselves. My hon. friend denounced them as tricksters. He said what was perfectly right—that they, through misrepresentations and false pledges to the clergy and to the people, especially the French-Canadians, got into power, and having got into power they endeavoured, for political purposes, I believe, to override the constitutional rights of the minority and place the Government of Canada in a false position. The Government, in my opinion, took the proper stand in this matter. Had it done otherwise it would have aroused party feeling and religious bigotry throughout the country which would not have been easily allayed.



Hon. Mr. FERGUSON (P.E.I.) I have to ask the indulgence of this House, as one of its youngest members, while I offer a few observations on the subject which has engaged the attention of the House for the last few days. It is very unfortunate indeed that questions of this nature should come up here. I think it is particularly unfortunate that they have come up when they do not point to any distinct termination or action on the part of Parliament as to what is to be done. The discussion of these questions, as we are discussing this subject now, is unfortunate, notwithstanding the admirable manner in which it has been introduced in this House by the hon. gentleman from St. Boniface, who made a speech which was not only a credit to himself but to this parliament. Although he introduced it in the most delicate manner and very ably indeed, I still feel that there is danger of this discussion doing as much harm as good. I noticed when my hon. friend from Halifax was speaking to-day that he found it necessary to refer to some misapprehensions which might arise from remarks that he made last Friday. We must remember in discussing those questions on which the public mind is so sensitive, after our words go outside of the House they get into the press and the discussion is taken up by others less intelligent than hon. gentlemen here, they are apt to be taken up warmly and lead in the future to other misunderstandings and a fresh crop of just such legislation as we are now dealing with. I do not think that the question of whether denominational schools or public schools are the best is at all one for discussion on this occasion, although a good deal of time has been devoted to that point. As this question has been so very freely discussed and strong views put forth upon it, I may just as well in passing, express my own opinion that I believe in a public secular system of education. It would be my choice. I was struck by the remark which my hon. friend the senior member for Halifax made a few minutes ago about the desirability and necessity of people knowing and understanding each other. In a mixed community such as we have in almost every part of Canada, we have to fight the battles of life side by side, whether we are Roman Catholics or Protestants, and as we have to do that, for my own part I think it is desirable that our children should learn to know each other and

to trust each other and to appreciate each other in the class room and on the play ground as well as when they have chosen their employments and assumed the more responsible duties of life. I myself have had my children educated in the public schools. Of course we look carefully after our schools—look after the tone of morality in them, and I have still to learn that the fundamental principles of our common Christianity have been eliminated from those schools. They do not go into details. My creed is not taught there, as distinct from the creed of another denomination, but the fundamental doctrines of Christianity are not eliminated from the instruction. While I hold the view, and hold it warmly, and assert it here as I have on many previous occasions asserted it elsewhere, that a public school system is best for a mixed community, I have taken this further ground: I recognize the fact that there is a very large proportion of my fellow-subjects in this country who believe differently from me, with whom it is a matter of conscience that their children should receive a denominational education, and therefore, more than 20 years ago I took the stand that when the assertion of that right or when the granting that privilege to them trenches upon no right or privilege which I or my fellow Protestant citizens value or esteem, I am willing to let them adopt the system of education which they conscientiously believe to be the best. I took that stand in my own province 20 years ago, when the school question was up there, under the leadership of the Honourable Jas. C. Pope. I fell in the fight which took place over it, but, looking back, I hold the same views now as I did then. I took my stand in favour of free public undenominational education, but, at the same time, I never pushed my views so far as to persecute or injure those who wished to have their education conducted in a different manner where it was possible to be so conducted, without interfering with the carrying on of public schools. A good deal has been said in this discussion with regard to an alleged breach of faith, with regard to this school question in Manitoba. Now, I feel bound to say, honestly and candidly, from the observation that I took of public questions at the time the Manitoba School Act was passed, and from what I learned with regard to it, that I have always been under the impression that privileges were conceded to the minority of that place by law. That was my honest conviction; but the matter has taken such a shape that it almost bothers a layman to tell exactly how it stands to-day, but I have been long enough in public life and business life to think that I am a perfect judge upon another phase of this question, and I shall now refer to the conduct of the men who passed the Manitoba School Act of 1890. We have already heard in the speech of the hon. gentleman from St. Boniface, an extract from a speech delivered by Mr. Jas. Fisher, M.P.P., in the legislature of Manitoba. I have read it carefully, because I have the pleasure of being acquainted with Mr. Fisher, and I feel that I can place very great reliance upon what he said; I have read that speech of Mr. Fisher's and I can come to no other conclusion than that the passage of that Act was a very base betrayal of the people in that part of the Dominion on the part of Mr. Martin and Mr. Greenway. We find that these gentlemen went to the electors authorized to speak for their party. There was a contest upon this very subject, and it virtually affected the condition of parties in Manitoba. They gave a solemn pledge, a pledge that was repeated on more than one occasion, and backed by the authority of the president of the Liberal Association in the province of Manitoba, that if they gave their confidence to the Liberal candidate, the rights and privileges which they had enjoyed in regard to education would be preserved to them, by the party who expected to get into power. Notwithstanding those pledges, so solemnly given, we find that the very men who spoke for the Liberal party in Manitoba on that occasion, after reaping the benefit of that election, and having got the votes and support of the people on that pledge, turned around and deprived those people of the advantages they had enjoyed in the matter of education. Mr. Martin and his friends gained that election, and they followed up their victory by passing this legislation which is so obnoxious to the minority in Manitoba. Their conduct, to my mind, has been extraordinary. No wonder my hon. friend from St. Boniface and his friends and sympathizers feel strongly over it. Their feeling must be somewhat similar to that of the dying eagle, as described by Byron, on finding a feather from her own wing

attached to the arrow which had pierced her heart :

> Keen was the pang, but keener still to feel
> She nursed the pinion that impelled the steel.

I was very much surprised, in view of the facts to which I have been alluding, and others to which I shall refer before I resume my seat, at a remark that fell from my hon. friend the leader of the Opposition, when he delivered his long and interesting speech the other evening on this question. He ventured the assertion that he believed if that venerable and able statesman who now lies in his grave at Kingston were living to-day, he would be able to suppress the intolerance now growing up amongst his followers. Attention has already been called to the fact that it was the Liberal party that was guilty of this intolerance.

Hon. Mr. SCOTT—I was speaking of Ontario.

Hon. Mr. FERGUSON (P.E.I.)—We will come to Ontario later on. As far as Manitoba is concerned, my hon. friend will not dispute that the intolerant feeling and the treachery in regard to this question did not appear amongst the followers of the late Sir John Macdonald, or of the Government party of this country, but in the ranks of the party of which he is the representative leader in this House. In answer to the statement of my hon. friend the member for Ottawa, the leader of the Opposition in this House, I will just read to hon. gentlemen a few words from the pamphlet published by Archbishop Taché on the history of the schools in Manitoba during fifteen years. In this pamphlet he says, speaking of the discussion which took place on the Manitoba School Act in the year 1890, when it was before the Provincial Legislature :

> Mr. Prendergast placed himself in the foremost position, being endowed with a superior order of literary, historical, political and social knowledge. Nothing was neglected to defend the Catholics. The five Protestant members of the Opposition joined them in the very heat of the battle, but numbers, that ultimate resource of constitutional regime, crushed every effort.

All the Protestant members of the Opposition who are Conservative, joined their Catholic fellow members in the House against the Liberal party in the province of Manitoba, in order to preserve for them the privileges which they enjoyed in the matter of education. As far as Manitoba is concerned, I think my hon. friend will freely admit that the intolerance, of which he expresses such horror, is to be found entirely in the ranks of his own party.

Hon. Mr. SCOTT—I do not spare them.

Hon. Mr. FERGUSON (P.E.I.)—My hon. friend made, in this very connection, another observation, which I was glad indeed to hear. I am not very well acquainted with the Orangemen of Ontario, but he made this admission —that he found the leaders of the Orangemen more liberal than the members of his own party in dealing with this matter of education.

Hon. Mr. SCOTT—In early days.

Hon. Mr. FERGUSON (P.E.I.)—Yes, I think that was the remark, and he named some grand masters—he mentioned three or four of them—who had always stood up for what they considered fair play, and had approached all these questions in a highly tolerant manner. Reference has been made to another organization which has within a very short time made its appearance, I believe mainly in the province of Ontario, an organization of which I do not know very much ; it is called, I believe, the Protestant Protective Association, and my hon. friend from Halifax attached whatever odium belongs to that association, as an intolerant institution, to the Conservative party. If my information is right, it was the Liberal party in western Ontario, that imported the Protestant Protective Association into Canada. Hon. gentlemen may think that is very unlikely, but my information is this, that the Orange body, being largely in favour of the Conservative party in western Ontario, some of the Liberal leaders felt the necessity of some organization that they could use as a counterblast, and the Protestant Protective Association was introduced into the county of Lambton by a leading Liberal.

Several MEMBERS—No, no.

Hon. Mr. FERGUSON (P.E.I.)—And it may be it has not turned out well on their hands. I think this information is correct. My hon. friend from Ottawa may be an excellent authority on many subjects, but we will excuse him if I do not regard him as one on the Protestant Protective Association, and the source

from which I have my information is not at all likely to be wrong. It may possibly turn out that this Protestant Protective Association —if its real object is to protect Protestant interests—will find out before long that the best way to do that is by practising and preaching toleration. When they do that and stand on a sound platform, my hon. friend will find that there is really no need of the organization, because there will be no better way of injuring the interests of Protestantism than by means of an organization, the object of which is to ostracize and persecute any other religious body in the community. But, there was another observation made, and I think it came from my hon. friend from Halifax. He said it was from Mr. Meredith's party in Ontario, that this rabid spirit of intolerance had been imported into Manitoba. Mr. Meredith may have advocated measures of which I would not approve if I understood them properly. I do not understand these questions in Ontario very well, but I have yet to learn that Mr. Meredith ever proposed as his platform, or put forward as his own views, the abolition of separate schools in Ontario. If that is true, he could hardly be guilty of sending out to Manitoba principles and views which he did not advocate in Ontario; but there is another gentleman who, I think, you will all agree, has had a good deal to do with starting the trouble in Manitoba—I refer to Mr. McCarthy. We know he did go up there and made a speech, and that he fraternized with Mr. Martin on that occasion. Mr. Martin moved a very cordial vote of thanks to him after he had made his speech, stirring up all these troublesome questions, and he may be entitled to the credit, to some extent, of starting his friend Mr. Martin upon this crusade against separate schools in Manitoba. It is worthy of note that a short time after Mr. McCarthy came back from Manitoba, he addressed a large meeting in the city of Toronto, and announced himself as a supporter of Mr. Mowat.

Hon. Mr. POWER—No, no.

Hon. Mr. FERGUSON (P.E.I.)—He so announced himself at a meeting in Toronto. I think it was the time Mr. Parkin was there. In moving a vote of thanks, he announced that he would support Mr. Mowat—

Hon. Mr. POWER—No.

Hon. Mr. FERGUSON (P.E.I.)—My memory is not very often at fault, and I remember distinctly that the *Empire* articles, which, it has been alleged, read Mr. McCarthy out of the Liberal party, charged him with being untrue to Mr. Meredith in local politics.

Hon. Mr. KAULBACH—Was that after the Manitoba Bill?

Hon. Mr. FERGUSON (P.E.I.)—Yes, it was a week or two before the appearance of the article in the *Empire* which read Mr. McCarthy out of the ranks of the Liberal-Conservative party. At all events, we will agree this far, that, if anybody went up from Ontario and carried the fire of intolerance to that province, it was Mr. McCarthy, and we recognize the fact that Mr. McCarthy is falling right into line with the Liberals in Dominion politics—so much so that the Liberal leaders were able to announce days in advance the exact time when he and his friend Col. O'Brien would speak on the tariff question in another place. There seems to be a thorough understanding between these gentlemen and the Liberal party. References have been made to the case of Prince Edward Island. Hon. gentlemen will remember that the school election, as we call it, took place in Prince Edward Island in 1876. Mr. Davies took the leadership in that campaign. It is a fact that the Government which carried the school legislation at that time was not a purely Liberal Government. There were Conservative gentlemen who shared Mr. Davies's view upon this school question, and they formed a coalition government, and passed the bill which is called the Public School Act of Prince Edward Island. It is also true that this bill was petitioned against by Bishop McIntyre, and by others. I think my hon. friend from Ottawa was Secretary of State at the time, and was the medium of communicating the decision of the Mackenzie Administration to the Government of Prince Edward Island, that they would not interfere with or disallow the measure. I think it will be found upon close examination that the Act of Prince Edward Island was objectionable to Catholics.

Hon. Mr. SCOTT—No doubt about that.

Hon. Mr. FERGUSON (P.E.I.)—In the meantime, I will read to hon. gentlemen an

extract from one of the memorials which Bishop McIntyre presented against the Prince Edward Island Act:

Your memorialists assure Your Excellency that they cannot withdraw their children from the schools which, at so much expense to themselves, they have erected, for they are restrained from doing so by the strength of convictions which they cannot overcome. They will therefore be compelled to pay for secular schools in addition to those which they feel bound to support.

They believe this to be an act of injustice to them, but it is an act of injustice which a majority possessed the power of imposing upon a minority, and therefore, while they protest against it, they must submit. But, in addition to this, the statute introduces a new and unheard of principle, for it, in effect, makes it a crime, punishable by fine and imprisonment, for your memorialists to send their children to their own schools rather than to those established under its provisions.

Section 15 provides that unless the average attendance in a school district 'shall be fifty per cent of the children of school age within the district,' that a deduction shall be made from the salary of the teacher.

Section 16 provides that such deduction shall be made up and levied as a rate upon those parents who, by not sending their children to the schools, have caused the number of scholars to fall below the average required by section 15.

The effect of these clauses will be this: If your memorialists continue, as they will continue, to send their children to their own schools, and from such attendance the average of children attending the schools under this Act should fall below fifty per cent, then, notwithstanding your memorialists have paid their taxes into the public treasury and that their children are attending efficient schools, built and maintained by themselves; notwithstanding this, they are to be fined because they will not withdraw their children from the religious teaching they prize so highly, to send them where all instruction in the Christian religion is, by law, carefully and rigorously excluded.

The argument that the Bishop uses is that section 16 compels the parents of children that are withdrawn from the public schools in order to attend the denominational schools not only to pay for the maintenance of their own schools but taxes them for the support of the public schools as well; and they are not only taxed, but they are liable to a fine or imprisonment for keeping their children away from the public schools. That is the argument that Bishop McIntyre makes.

Hon. Mr. ALMON—What was Mr. Davies when he passed that Act?

Hon. Mr. FERGUSON (P.E.I.)—He was leader of the Government.

Hon. Mr. POWER—Mr. Davies was defeated in 1879, I think, and from that time up to about two years ago Prince Edward Island was continuously ruled by Conservative Administrations, of which my hon. friend himself was a distinguished member. Did any of those Administrations alter that law?

Hon. Mr. FERGUSON (P.E.I.)—I was just coming to that point. I was going to show that after the passage of this law the Catholic people of the province, as well as those who sympathized with them in the matter, finding their opposition useless, accepted the situation. Indeed, before the change of Government, which occurred about two years after the passage of this Act, there was a distinct understanding on every hand that the school question was not going to be further agitated—that the Catholic people accepted the situation and would not offer any further opposition to the Act. When that stage was reached four Conservatives, members of the Government, retired from it. One of the principal reasons which they assigned for doing so was that, while they believed in the principle of undenominational schools and had stood by the Davies Government until the battle was over and the law had been accepted, when that had taken place they would not remain in a Government from which Roman Catholics were proscribed and therefore they retired in order that a mixed Government might be formed, a Government composed of Roman Catholics and Protestants which was the only Government that could be popular or just in a province like Prince Edward Island, where the proportion of Protestants to Catholics is about three to two. I very well remember, and must not forget to deal with the fact before reaching the point which the hon. gentleman from Halifax raised, that Mr. Davies denounced these gentlemen who withdrew from his Government in very unmeasured terms because they did withdraw. It was not merely his view that the Roman Catholics should be under the disability which the School Act imposed upon them, but that Roman Catholics should be proscribed from office altogether. He denounced a member of this House as a black-hearted traitor, I think those were the words, for announcing his determination to retire from the Government because it was his desire that the Government should represent all classes of the community. I will come to the fact to which the hon. gentleman from

Halifax has drawn my attention, and that is that the coalition Government, of which Mr. Davis was the leader, went out of power some two years afterwards and a Conservative Government was formed of which I had the honour of being a member. When we took office, the school question had been dropped. If was understood on all hands that there should be no further agitation on the matter. In fact, we were pledged (feeling as all parties did that there had been enough of this fight which could lead to no beneficial results) to go on legislating on other and more pressing questions and not to disturb that school question in any way whatever. Therefore, the hon. gentleman will understand that it was on account of this resolution on the part of the supporters of denominational schools in the province that the Conservative party continued in power, and did not attempt to amend or change the School Act of 1879. There is a point upon which the hon. leader of the Opposition and the hon. member from Halifax have enlarged at a very considerable length in different parts of their speeches, and put forward very strongly—at first rather gently and afterwards with more emphasis— the duty, as they considered, of the Federal Government to disallow the Manitoba Schools Act. I wish to call the attention of hon. gentlemen to the record of the Liberal party on this question of the disallowance of educational measures—I will not go beyond that. There was a great deal said, as we all know, for a number of years in Canada in public life over the disallowance of provincial measures, and my hon. friend from Halifax just a few moments ago cited the disallowance of the Rivers and Streams Act on two or three occasions to show that the Liberal-Conservative leaders whenever they thought proper could practise disallowance, although they did not do it in the case of the Manitoba School Act, which, in his opinion, so fully called for it. My hon. friend will remember that the disallowance of those measures occurred some years ago, and that there has been a very great change in the constitutional position of both political parties, I might say, but especially of the Conservative party on the question of disallowance since that time. But I will lead up to that. In the meantime, I will call the attention of the House to a resolution moved by the Hon. Mr. Mackenzie as far back as 1872 in the House of Commons, upon the New Brunswick School Act. As my hon. friend, the leader of the Opposition, has argued that it was the duty of the Government of the day to disallow the Manitoba School Act, I want to show what had been the policy of his own party—what was the policy of the Government of which he himself was a very distinguished member—through a number of years on this very question of disallowance, and especially the disallowance of educational measures. In 1872, Mr. Mackenzie moved this resolution which was adopted :

> And that this House deems it expedient that the opinion of the law officers of the Crown in England and if possible the opinion of the Judicial Committee of the Privy Council should be obtained as to the right of the Legislature of New Brunswick to make such changes in the school law as deprived the Roman Catholics of the privileges they enjoyed at the time of the union in respect to religious education in the common schools, with a view of ascertaining whether the case comes within the terms of the fourth subsection of the 93rd clause of the British North America Act of 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act.

The law on the matter of reference to the Privy Council of England was not then in the position it is now, so much so that Mr. Mackenzie in this resolution put in the words that an appeal should be made to the Privy Council if possible. He thought it would be difficult to get a decision of the Privy Council on a question of this kind at the time, and he felt that if he could not get one opinion he could get another, so he included in his resolution the law officers of the Crown. Here we find that Mr. Mackenzie, 22 years ago, while leader of the Liberal party in Parliament, took almost precisely the same view of the New Brunswick School Act as the Government of Sir John Thompson has done with regard to the Manitoba law. I dare say my hon. friend will tell me that the case was much stronger in Manitoba than in New Brunswick. I grant it, but the Government were not presumed to know that—they were only trying to find out the law as it applied to both cases. Mr. Mackenzie did not profess to know what should be done in the matter and how far the power of remedial legislation lay with the Federal Government at that time, and therefore he asked, and his views were carried in the House of Commons at that time, for a reference of the New Brunswick school question to the Privy Council or the law officers of the Crown.

We will come to 1875, when Mr. Mackenzie was leader of the Government and my hon. friend from Ottawa was one of his able and most trusted colleagues. Mr. Mackenzie made a speech in which he said:

> Sir, it must be apparent to every one that if we were to attempt violently to lay hands upon that compact for the purpose of aiding a minority in New Brunswick who have a grievance, no matter however just what that grievance may be,—and from my point of view I think it is one they have a right to complain of—however much we might entertain that feeling, we have no right to do anything that will violate our obligation to defend the constitution under which we live. I may point this out to hon. gentlemen in this House and to the country that if it were competent for this House directly or indirectly to set aside the constitution as regards one of the smaller provinces, it would be equally competent for this House to set it aside as regards the privileges which the Catholics enjoy at this moment in Ontario.

Mr. Mackenzie on that occasion, at the conclusion of the speech from which I have read this extract, moved the following resolution:

> In the opinion of this House, legislation by the Parliament of the United Kingdom, encroaching on any powers reserved to any one of the provinces by the British North America Act, would be an infraction of the provincial constitution, and that it would be inexpedient and fraught with danger to the autonomy of each of the provinces for this House to invite such legislation.

This was an amendment to a resolution made by some hon. member asking that the Parliament of Canada might be called upon to amend the British North America Act. Here Mr. Mackenzie again, as the leader of his party, moved this resolution and carried it in the House of Commons on this very question of education. But when my hon. friend from Halifax asked the House to remember that the Conservative Government had disallowed the Rivers and Streams Bill and measures of that kind, I have already said he should remember that that matter of disallowance stands in a different position to-day from what it did when that disallowance took place. I will just remind the hon. gentleman how that came about. In the session of 1890 Mr. Blake moved in the House of Commons a resolution which was adopted unanimously, Sir John Macdonald accepting the principle. It was placed on record and, as you might say, made a law of Parliament. It was as follows:

> It is expedient to provide means whereby, on solemn occasions touching the exercise of the power of disallowance, or of the appellate power as to educational legislation, important questions of law or fact may be referred by the executive to a high judicial tribunal for hearing and consideration, in such mode that the authorities and parties interested may be represented, and that a reasoned opinion may be obtained for the information of the executive.

This resolution, as I have said, was submitted by Mr. Blake, and unanimously adopted. In submitting the resolution to the House Mr. Blake made a very able speech indeed, a speech well worthy of perusal and re-perusal. It was evidently thought over with the greatest care, and he brought to bear on every subject that he touched the results of great experience and great ability. He says:

> I would say that recent current events and impending events have combined to convince me that it is important, in the public interest, that this proposition should receive attention during this session.
>
> Yet, sir, no legislative or executive can, any more than any private individual, act at all without considering and in a sense deciding for itself the legality of the acts and so in some sort entering upon the judicial department, but upon the domain of the judicial power, because our opinion that our acts are valid does not make them so, their validity depends upon the decision of the judicial authority, and on that alone.
>
> There can be no doubt that the absolute union of these departments (executive and legislative and judicial) is neither more nor less than absolute despotism. United in one hand, I care not whether it be the hand of an autocrat or the hand of a council, the power of legislation, the power of interpretation and the power of administration, and you make the most absolute despot that is conceivable. The separation therefore, the degree to which, without our weakening or our complicating the action of the machine, you can separate them, marks the degree to which, in this respect of a constitutional question, you have attained perfection.
>
> The first of the two cases to which I shall allude is that in which the proposal comes from the Executive to disallow an Act of a Provincial Legislature on the ground that that Act is *ultra vires*. If it be so the Act is void; and I think I may say that it is now generally agreed that a void Act should not be disallowed but left to the courts.

Mr. Blake says that owing to recent and current events it was important that that resolution should receive attention that very session.

Every word that Mr. Blake said in this speech went to establish the principle that on an important question like this and especially an educational question, the Government of Canada should not attempt to deal with it but that it should be dealt with by the courts. He continues:

Those members who have long been here will well remember the New Brunswick School Case, which was agitated for many years and in the course of which agitation I had hoped, that some political aspects of that and of analogous questions were finally settled—settled at all events for the party with which I acted, and for the humble individual who is now addressing you.

Here Mr. Blake says the precedent established in the case of the New Brunswick School Act settled this question of disallowance as far as the Liberal party is concerned, of which the hon. gentleman from Ottawa is a distinguished member. He goes further and says that it settled the matter as far as he is concerned :

I regard it as settled for myself at any rate, first of all that there shall be no disallowance of educational legislation, for the reason that in the opinion of this Parliament some other or different policy than that which the province has thought fit to accept would be better.

My own opinion is, that whenever, in opposition to the continued view of a Provincial Executive and Legislature, it is contemplated by the Dominion Executive to disallow a Provincial Act because it is *ultra vires*, there ought to be a reference ; and also that there ought to be a reference in certain cases where the condition of public opinion renders expedient a solution of legal problems, dissociated from those elements of passion and expediency which are, rightly or wrongly, too often attributed to the action of political bodies. And again, I for my part would recommend such a reference in all cases of educational appeal—cases which necessarily evoke the feelings to which I have alluded, and to one of which, I am frank to say, my present action is only due.

Hon. Mr. SCOTT—Those decisions were not binding on the Government.

Hon. Mr. FERGUSON (P.E.I.)—Mr. Blake distinctly said there should be a reference.

Hon. Mr. SCOTT—He could not carry his resolution unless he accepted Sir John Macdonald's interpretation of it which I have before me.

Hon. Mr. FERGUSON (P.E.I.)—Sir John accepted the resolution pretty much in the spirit in which it was offered ; so much so that it was embodied next year in an Act of the Dominion and it is now the law of the land. Mr. Blake adds :

But, Sir, besides the great positive gain of obtaining the best guidance, there are other, and, in my opinion, not unimportant gains besides. Ours is a popular government ; and when burning questions arise inflaming the public mind, when agitation is rife as to the political action of the Executive or the Legislature—which action is to be based on legal questions, obviously beyond the grasp of the people at large ; when the people are on such questions divided by cries of creed and race, then I maintain that a great public good is attainable by the submission of such legal questions to legal tribunals, with all the customary securities for a sound judgment ; and whose decisions—passionless and dignified, accepted by each of us as binding in our own affairs involving fortune, freedom, honour, life itself—are most likely to be accepted by us all in questions of public concern.

My hon. friend says that Mr. Blake's resolution would not have been carried unless Sir John had given an interpretation of it and given an assent to it. Well, whatever qualification Sir John gave it, he accepted it in its integrity without the alteration of a single word, and it finds its place now in the statutes of Canada just in the words in which Mr. Blake presented it, and whatever my learned friend will make out of the few words of qualification that Sir John used, he surely cannot go back on Mr. Blake's words when he said he regarded these questions as settled for the party to which he belonged, the Liberal party of Canada, and at all events they were settled as far as he himself was concerned. I may say, in my humble way, that I have been watching the course of public events upon this question for many years, and I must say that I have long since regarded this provision in the British North America Act which provided, or which looked towards remedial legislation in reference to any privilege conceded at Confederation in the matter of education to a minority in any province, as a very unwise provision and one which has, to my own certain knowledge, injured the minority in the province of Prince Edward Island. I remember very well that many people who were not indisposed to meet a reasonable view in the matter of education pointed to that clause and said : We would not mind giving way in the cities and towns, where there are no geographical objections in the way, but don't you see under that part of the British North America Act if we once established separate schools in any place, remedial legislation will come in from Ottawa and we will lose our power, and we must oppose every concession on account of the provisions of the British North America Act. Trouble has arisen in consequence of this : I know it has arisen in Prince Edward Island. We know how that provision in the British North America Act grew up as far as Ontario and Quebec is concerned. There was a legislative union of Ontario and

Quebec before confederation and they had provided for dissentient and separate schools in both of these provinces; and as at confederation they were going back as it were to take up political housekeeping on their own account, there was a bargain between the two provinces that the exemptions which had been mutually given should be continued thereafter, and to that, as far as Ontario and Quebec were concerned, there was no very great objection; but when the question came up of extending this provision to vast territories upon which there was a very limited population, and before it was known what the character of that population would be, I confess I saw from the first that when that country would fill up with a population holding distinct views of their own on this question, they would not be bound by the terms originally adopted, and my fears have been verified; and there will be greater trouble over this question in the future. Now, with regard to this matter of disallowance, my hon. friend from Halifax and the hon. gentleman from Ottawa have put forward pretty strongly the idea that the Government of Canada ought to have disallowed these measures; and my hon. friend from Ottawa does so notwithstanding that when in office and when a member of the Federal Government he pursued a very different course himself.

Hon. Mr. SCOTT—No parallel case.

Hon. Mr. FERGUSON (P.E.I.)—The cases may not be exactly parallel; I admit all that; but this much he will admit, that there were almost as strong complaints made from Prince Edward Island and New Brunswick as from Manitoba.

Hon. Mr. SCOTT—Yes, quite as strong.

Hon. Mr. FERGUSON (P.E.I.)—But there were questions of law involved in both cases, my learned friend will admit that. Therefore the views of Mr. Blake and Mr. Mackenzie as leader of the party, that there should be a decision by a judicial body where passion and prejudice should not come in, were followed. The New Brunswick case and the Prince Edward Island case were not as strong as the Manitoba case, but that could only be found out after a reference had been had. The principle is precisely the same, and the degree of strength between the case of one province and the case of another does not affect the question in the slightest degree. I want to quote the views of a gentleman who is well known by reputation in every part of Canada. I refer to Archbishop Taché. Deeply interested as that venerable prelate is in this question, more probably than any other man in Canada, yet still I want to point out to this honourable House, that he, speaking the words of truth and honesty, and not for a political purpose (for, as the hon. gentleman from Halifax says, he has no preference as far as that is concerned for either party,) but speaking in a calm and dispassionate manner, having this deep interest in the Manitoba School Act, did he say that disallowance is possible? No. Here is what he says:

> After these explanations of the Premier, the motion of Mr. Blake was unanimously voted by both sides of the House, by the right as well as by the left, by the Liberals as well as by the Conservatives, by those who to-day place upon me the responsibility they then assumed, as well as by those who are loyal enough to recognize that the question of disallowance was thus killed in the Commons, I do not know the thoughts of those who voted without speaking, but I know what I thought: what suffering in learning that a fortnight after its arrival at Ottawa, our petition asking for disallowance was paralyzed by the unanimous vote of the Commons of Canada.

That is what Archbishop Taché says, and he adds:

> This circumstance brings me face to face with certain accusations made against me. The most unreasonable is perhaps the one that throws upon me the terrible responsibility of having sacrificed the Manitoba Schools, because I did not obtain the disallowance of the laws of 1890. Among those who made that accusation there are many who voted in favour of Mr. Blake's proposition. By this unanimous vote Parliament made the disallowance morally impossible.

I am surprised that my hon. friend from Halifax, knowing that this resolution of Mr. Blake's had entirely altered the constitutional aspect should cite the Rivers and Streams Bill of Ontario, and say that it was plain sailing and they could have disallowed this Manitoba Act in a moment. Here is Archbishop Taché, an honest and conscientious man, speaking the sentiment of his heart when he says:

> I am forced to say they do not know the first word of the situation, or that they construe it in a strange manner. To be absolutely and candidly sincere I must add that I do not think that there is in Canada an educated man so small minded as to believe that it was possible for me to obtain the disallowance against the vote of the whole Legisla-

ture. Enough for such unlawful and unjust accusations and insinuations. It is evident that many of those who speak of the disallowance of the Manitoba School laws are not the ones who desire it. It is not necessary to be very cunning to read between the lines on this subject.

And with regard to that very question of the interference of the Federal Parliament in provincial legislation, I will quote another very eminent authority, one who has long since passed away, but whose name is dear to his compatriots, and I may say to all the people of Canada, for the very important part which he took in building up and founding this great confederation. I refer to Sir George E. Cartier, who said, on the 20th May, 1872, as follows :

If it was admitted that the subject could be dealt with by the Dominion Parliament, it would place the question of education at the mercy of a Parliament of which a majority were Protestants. If this principle was followed the Protestant minority in Quebec might come to this Parliament with a grievance against the Catholic majority of that province. It was a dangerous principle to adopt.

And I think, therefore, on the strength of these eminent authorities, that this House will agree with me that whatever remedy there is for the grave difficulties that exist in Manitoba, it may not, and should not, be found in the disallowance of the Act. The time for disallowance has passed over ; in fact, disallowance was not strongly pressed. The reference which the constitution provided was the remedy which was applied for and a remedy has not been found, I must admit. However, I must not take up very much more of the time of the House in speaking on this subject. The hon. gentleman from Halifax made a reference to the Winnipeg election, which took place not very long ago, and said that the opponent of Mr. Martin in the Winnipeg election was also a supporter of the Manitoba School Act. It is quite possible that Mr. Campbell took that view ; but certainly there is a wide difference between a man who was then in private life, as I presume Mr. Campbell must have been from what my hon. friend has said, expressing his honest convictions upon the question of the schools in Manitoba, and a man like Mr. Martin, who had violated the promises made to the French people of the North-west, and who betrayed them most ignominiously—betrayed them after having secured their confidence.

Hon. Mr. BOWELL—If there are no other gentlemen who intend speaking on this question, I desire to say a few words. I was in hopes however, after the few pertinent remarks made by my hon. colleague that the motion made by the hon. gentleman from St. Boniface would have been carried without further discussion. However I have no complaint to make, at least I ought not to make any complaint because gentlemen thought proper to exercise the right which every member of this House has to discuss questions particularly of so important a character as this, to rise even after a member of the Government had asked the House whether there were any others who desired to discuss the question and if not he would make a few remarks and close. I repeat I have no right to object to any person addressing the House even after such an intimation, nor should I add anything to what has already been said.

Hon. Mr. POWER—The hon. gentleman refers to me. The hon. gentleman will remember that when the Minister of Agriculture made that remark I intimated that there were others to speak, so that he was not taken by surprise.

Hon. Mr. BOWELL—I am quite aware of that fact. My hon. friend asked the question whether any one desired to address the House before entering upon his speech and the remark made by the hon. member for Halifax was while my colleague was speaking, not before he commenced. However, it is not my province to find fault with that, because every member of the House has a right to address it at such time as he thinks proper. I was going to say I should not have addressed the House at all on the subject were it not for the fact that the leader of the Opposition, and also the member for Halifax, tried to fasten upon the party to which I belong certain responsibilities in connection with this question of which certainly they were not guilty. If the question had been discussed in that calm and judicious manner in which it was introduced and followed by most of the gentlemen who spoke, other than these two hon. gentlemen, it might and in all probability would have ended there. My hon. friend from Prince Edward Island, who has just spoken, has dealt so fully with certain portions of this question that I shall not weary

the House with repeating them. He has referred in a much more able and eloquent manner to the different points which he brought under the notice of the House than I could have done, and I shall only continue the argument a little further than he has done in reference to the position taken by both parties on this very important question. The leader of the Opposition and his first lieutenant have laid down the principle that the Government should, under the circumstances, have disallowed both the Manitoba Act and the Ordinance passed by the North-west Territories. That question has been fully dealt with by the hon. member from Prince Edward Island. He has quoted from the opinions of the leader of the party (Mr. Blake) to which these hon. gentlemen belong, showing that they, in order to avoid difficulties and heartburnings which always arise on questions affecting the creed or religion of the people, it should be removed from the political arena as far as possible, by sending all these constitutional questions on which there are differences of opinion, to the court. The hon. leader of the Opposition, I notice, took refuge in the remarks made by the late Sir John Macdonald when he accepted the resolution moved by Mr. Blake. Sir John Macdonald, in taking that position, acted as all constitutional lawyers and all men who understand anything of the constitution which governs this country and governs England and her colonies should. He held that they cannot deprive the executive of the day of any of the powers which are given to them by the constitution under which they govern, and while he accepted that resolution as the solution of what he believed to be a disputable constitutional point, he laid down the principle at the same time that it did not relieve the Government from any responsibilities which would devolve upon it in dealing with questions which he thought interfered with the rights and privileges of the people and affecting the good of the country. That is the position that Sir John Macdonald took, and that every man who knows anything of the provisions of the constitution as it exists in the British Empire must necessarily take. He took precisely the same position when a motion was made in the House of Commons to make all appeals to the Supreme Court a finality. He at once pointed out that under the constitution of the country every subject of Her Majesty, no matter how low or high he might be in society, could not be deprived of the right of an appeal to the foot of the Throne; and for that reason he opposed the motion which was made by Mr. Irving in the House of Commons when he desired to make all decisions of the Supreme Court of Canada a finality. So that my hon. friend the leader of the Opposition is welcome to all that he can take out of the objection he has taken on that point. As my hon. colleague suggests to me we have not the power to prevent any subject from taking an appeal to the foot of the Throne—it is the right of every subject. Hence in accepting the resolutions of Mr. Blake, Sir John did well from a constitutional standpoint to reserve to the Government of the day the power of disallowance as given by the constitution. The question arises of course as to when that important power should be exercised. When that question comes before the Government, if it should ever come, or before Parliament, it will then be time enough to discuss it. It must have been really amusing to members of this House who have lived long enough in Canada to know the relative positions taken in days gone by, by the two parties on this subject—that is the Conservative party and the Liberal party,—on the much vexed question of separate schools; to me, who have lived long enough to know what has taken place in the past, who has been more or less in politics from his boyhood up, and connected with a body of men who hold strong views on both sides of the question,—for me to hear the hon. leader of the Opposition trying to excuse his late leader, the Premier under whom he acted, and hold him up as a beacon light to those of his own way of thinking and to try and leave an impression on this House that he had been in favour of separate schools, and that he forsooth had given up the opinions which he advocated long, long ago, sound very strange. He did tell us, and he was quite correct in that, that there were certain leaders of the Conservative party—certain Orangemen, to whom he referred and of whom he spoke, I was going to say with a good deal of pleasure, at least to whom he attributed opinions and feelings which were liberal in their character. Trace back the whole school question from its inception long before the hon. gentleman from Ottawa introduced his bill in 1863, and you will find that the Conservative party under Mr. Draper's leadership who was afterwards Chief

Justice, of all the parties, if there were any who were entitled to the credit of granting equal rights and privileges to the different religious bodies in this country, should be credited with fair and liberal actions. What the hon. gentleman says is true that the Orange leaders voted with him to amend the separate school law, on different occasions, in days gone by. If the hon. gentleman will look at the division lists of times past, he will see that there was one prominent Orangeman who took exception to separate schools or to giving any privilege to Roman Catholics in that particular, I speak of the late Mr. Ferguson. I hold the division list in my hand. I have that which the hon. gentleman opposite seems to dread so much, a scrap book, with the whole history of the school question in it, and I find that Mr. Ferguson who was a leading Orangeman always took strong ground against separate schools; but did that bind the whole Orange body of Ontario to his views? Then why should the hon. gentleman hold the whole body now and the leaders of it in Ontario or any part of the Dominion to an opinion enunciated by one gentleman in Ontario to-day?

Hon. Mr. SCOTT—My point was this—that it is very different now from what it was then. There is a difference of thirty years between the two.

Hon. Mr. BOWELL—Thirty years have elapsed between the time the hon. gentleman referred to and the present time—does that make any difference? There was one gentleman then who took an extreme stand against this bill and that gentleman was an Orangeman. Notwithstanding, he has pointed out that the whole of the leaders of the Orangemen at that date supported him, I have called attention to the fact that to-day there is one gentleman who has asked for the repeal of the separate school system. I say the hon. gentleman has no more right to hold the whole of the Orange body responsible for that gentleman's opinions to-day than he had, or would have had, to hold the whole body responsible for the opinion held by one Orangeman, in similar circumstances, thirty years ago. Now for his benefit and the benefit of this House, if he will turn to the division upon this bill he will find that almost every Liberal led by Mr. Mackenzie, Mr. McKellar, Mr. Biggar and others voted against his bill; while for his information and for the information of the House, and in order that they may know that the Orangemen to whom he referred were liberal in principle and not only in profession, I will read to him the names of nearly every Orangeman in the House in the division list and it will be seen they were on his side—Mr. Anderson, who was grand treasurer, Mr. Benjamin who was grand master, John Hilyard Cameron, afterwards grand master, Mr. Daly the respected father of the present Minister of the Interior, who was also a leading Orangeman. There was John A. Macdonald, I suppose the hon. gentleman knew him—also an Orangeman, Mr. McCann—

Hon. Mr. SCOTT—I do not think Mr. McCann was.

Hon. Mr. BOWELL—I beg the hon. gentleman's pardon—I think I have a better knowledge on that subject than the hon. gentleman has.

Hon. Mr. SCOTT—I bow to the hon. gentleman's superior knowledge on that point.

Hon. Mr. BOWELL—Then there was Mr. Powell of Carleton, Mr. Rykert of St. Catharines, Mr. Walsh and Mr. Wilson and two or three others that I might name. I mention this to show that the charge which the hon. gentleman has made was not correct, and that the remarks he made afterwards were not justifiable, because after giving these gentlemen credit for liberality not only by profession and sentiment, but in practice, he coolly told the House, and I think very unfairly, that probably they were political Orangemen. If I were to follow that same line of argument and refer back to the event of 1863 when the hon. gentleman introduced his bill not to establish but to amend the Separate Schools Act, it might not redound to his credit. I find on going into the history of this question that just before the election which was to take place in the old province of Canada that the hon. gentleman allowed his bill to fall through on two occasions.

Hon. Mr. SCOTT—Oh, no, it was talked out.

Hon. Mr. BOWELL—Whether he was influenced by the baneful influences by

which he was surrounded I will not say, but I should be sorry to even insinuate that he was actuated by political motives, because I believe him to have been sincere in his desire to obtain for his co-religionists all the privileges he sought to obtain for them.

Hon. Mr. SCOTT—In 1862 it was talked out. Sandfield Macdonald then made a pledge, when Mr. Ferguson and another member said they would not allow the bill to go through, that the following year he would see that the bill was passed.

Hon. Mr. BOWELL—I remember the circumstances distinctly---I was defeated that year in my election because I refused to give a pledge that I would vote to repeal the hon. gentleman's bill. I was called a "green back" Orangeman by the Liberals, because I took the ground that Roman Catholics of this country had acquired rights and privileges which no British subject should take from them, and because I would not pledge myself in a constituency composed largely of Protestants I was defeated. But why was I defeated? Because there was not one Reformer in the whole riding who cast his vote for me. By making a division, as divisions on questions of this kind can always be created, I was defeated by a tolerably large majority. When I was asked to make the pledge I replied: "This country cannot be governed on the principles that you lay down. If I am never elected in a constituency like this, I will never make the pledges you ask me to make." My hon. friend who sits just behind the leader of the Opposition (Mr. Read) voted, and he is an Orangeman, with the hon. gentleman, and so in fact, did every one, or nearly every one, who holds the views he does. I tell the hon. gentleman this, there is no teaching in that society in the shape of bigotry, and no desire to deprive any man of the rights he holds as a British subject. On the contrary, and I appeal to the hon. gentleman's sense of right and honour, to justify that remark from the fact that every leading man belonging to the Orange society, supported him in obtaining the rights and privileges which he says should be enjoyed by his co-religionists in this country.

Hon. Mr. SCOTT—I referred to the fact for the very purpose of showing that the Orangemen in those days were liberal.

Hon. Mr. BOWELL—I know the hon. gentleman did, but almost in the same breath, he very ungraciously accused them of being actuated by improper motives in so doing. If I had acted from political motives instead of conscientious convictions, I would have acted in the manner he attributed to the others as being political rather than sincere Protestants in that respect. I have no more to say on that point. I hope the hon. gentleman in his future remarks will not attempt to cast reflections upon gentlemen though they may hold different views on theological questions from himself, and who by their actions have shown that they are just as liberal as he could possibly have been, simply because some one member of the community, shows a different spirit and asks that a different course be taken. I did intend to deal to some extent with the question of disallowance, but the hon. member from Prince Edward Island has done that so well and so fully, that I shall only continue what few remarks I may have to make on this subject by referring to a debate which took place in this House upon the question of referring disputed constitutional points to the courts. When the late Mr. Abbott introduced a bill upon this subject he referred distinctly to its provisions, pointing out that the object in introducing it was to remove these questions from the political arena and throw the responsibility to as great an extent as possible on the courts of this country. He said:

> This is a bill to make several small changes with reference to procedure mainly, but it deals with one very important matter, which is new. It has been a subject of discussion for some time past before the public and in other places, and the government have now endeavoured to embody it in legislation in such a way as to make the suggestion useful. It is with regard to obtaining the opinion of the Supreme Court as to questions touching the constitutionality of provincial legislation and as to other matters which it is important to have defined by the courts. For instance, the appellate jurisdiction which appears to have been given to the Governor in Council by the constitution with reference to separate schools, which is somewhat difficult of construction as it stands. This bill, by one of its clauses, with several subsections, provides for the taking of the opinion of the court upon such questions as these, and the subsections provide for the procedure.

I now return to the remarks made by the leader of the Opposition, the hon. member from Ottawa, in which he says:

> The bill gives very considerably increased powers to the Supreme Court, which, I think, are quite in accordance with the demand that public opinion has been making for some time, and I think the bill itself is a great improvement on the Act.

Now, if I am to draw any deduction, or this House to form any opinion from the expression of the leader of the Opposition, it must be that of a distinct approval of the policy of the Government of that day in enacting a law which would remove from the political arena vexed questions of this kind. The hon. gentleman declares the bill to be a great improvement on the Act as it stood, from the fact that it would relieve the Government of the responsibility which, under the constitution, they had of deciding vexed questions where it was difficult to decide whether they were strictly within the constitution or not. Then, I find the Hon. Mr. Miller made these remarks:

I think the 4th section is the most important in the bill—that repealing the 37th clause of the Act as it now stands. The clause is as follows:—

Important questions of law or fact touching the exercise of the power of disallowance of provincial legislation, or of the appellate jurisdiction as to educational matters vested in the Governor in Council by the British North America Act, 1867, or by any other Act or law, or touching the constitutionality of any legislation of the Parliament of Canada, or touching any other matter with reference to which he sees fit to exercise this power, may be referred by the Governor in Council to the Supreme Court for hearing or consideration, and the court shall thereupon hear and consider the same.

I think that is a very necessary and a very desirable amendment in the law as it now stands. If this amendment had been the law on several occasion when questions of the most exciting characters, in connection with the disallowance of provincial legislation came before the Federal Government, a great deal of the trouble, agitation and bad feelings which were engendered in this country with regard to important legislation on those occasions would have been avoided. It is certainly very desirable that the question of deciding with reference to the allowance or disallowance of provincial legislation should be largely given to a tribunal without a semblance of a partizan character or complexion. For instance, if the question of the disallowance of the Act of the Quebec Legislature in reference to the Jesuits' Estates had been submitted to the Supreme Court instead of to the Minister of Justice and the Government, all the unfortunate excitement which took place with regard to that measure might have been avoided. So on other occasions, and they have been numerous, as we are all aware, since Confederation, of conflicting claims of the Local Legislatures and the Federal Government with regard to the limit of their authority or powers of legislation. I look upon this as a most important change contemplated in the law, and I consider it a very desirable one indeed, and I have no doubt it will receive the unanimous approval of this House.

Then I find the Hon. Mr. Kaulbach dealt with this subject in the same spirit and almost in the same language though probably putting it a little stronger:

As the hon. gentleman from Richmond has said, it is well that the Government are providing a means by which these questions can be disposed of, instead of leaving them to the Government themselves, because the deciding of such questions by the Dominion Executive provokes a great deal of jealousy. The opinion of some prominent member of the Government who may hold strong views on any particular question may predominate or influence the decision of the cabinet upon such questions. I think the Government have acted wisely in relegating all such questions to the Supreme Court, to obtain an expression of opinion that will guide them in any action they may take. For these reasons I think this bill is a very important one, and under its provisions the Government can dispose of a great many questions without irritation that otherwise would create bad feeling between the provinces and the Dominion with regard to provincial rights.

These are the opinions held by members of this House when the bill was under discussion. The measure received the unanimous approval of the Senate, and the first member of this body to express an opinion as to its benefits, was the hon. leader of the Opposition himself; and now he tells the House that questions affecting education—and questions affecting the schools of the country—do not come within the class of subjects which should be relegated to the courts, but that the Government should take the matter in their own hands and disallow such measures at once. I should like to ask in all honesty and sincerity, what would have been the state of feeling in this country if the Government at the time when the agitation was aroused in the province of Quebec, and in my own province more particularly, in reference to the Jesuits Estates Act—had the Government of the day disallowed that measure? That was a question that was strictly within the power and authority of the Quebec legislature. No matter who might have disapproved either of the preamble of that bill or the disposition of the funds, the funds belonged to the province of Quebec, and the legislature of that province had the right to deal with them; but the disposition of these funds was objected to by some parties from prejudice, by others from a belief that the funds of the Jesuits' Estates should not have been divided as they were, and that they should have been allowed to remain just as they were previous to the passage of that Act. What would have been the state of public opinion in the province of Quebec had the Government here taken

the responsibility of disallowance? I do not say that I approve of that bill, but I do say this, that I think the preamble was uncalled for and injudicious, and that if it had not been put there for a purpose it certainly would never have appeared. I did not hesitate to take from the very first the broad stand that that bill and the disposition of that money was within the purview of the Provincial Legislature, and that under no consideration would I record my vote or give my advice to have it disallowed. I know what the consequences were in my own constituency afterwards, but when the matter was explained to the electors in cooler moments, they saw that it would have been a fatal error for the Dominion Government to have interfered with that legislation, and so you may apply this reasoning to almost every question affecting the different interests, particularly of an educational or religious character in any of the provinces. The hon. gentleman says, and so does the hon. member for Halifax, that this question should have been disallowed at once without any reference as to its constitutionality or the rights of the province. I disagree with them on this point, and I do it for this reason, that when you consider the character of the question, how it agitates the people, and when you consider the rights of the province to deal with any question within its jurisdiction, you must come to the conclusion that it is dangerous for any government to carry the question of disallowance to too great an extent, and more particularly when it affects burning questions of this kind. In the Quebec conference of 1887, when the Liberal premiers of all the local governments met together to discuss questions affecting the different provinces, what was the fundamental principle of their resolutions? The maintenance of the autonomy of the provinces—and it was from that sprung the agitation against the disallowance of any Act passed by any province—and the principles enunciated in these resolutions, were the principles of the Liberal party to which my hon. friend belongs. Is he upon this, as upon many other occasions, when it does not meet his particular views, willing to repudiate his party for the time being and advocate other opinions and other principles? I must pay the hon. gentleman the credit of saying that from 1860 to 1863, when he introduced this bill regarding separate schools, he had not the baneful influences surrounding him of the Liberal party. He was then allied with men of more liberal and judicious principles. He was then a good follower of the late Sir John Macdonald. He supported Mr. Draper and others of the leading Conservatives. I am sorry to say he has become less tolerant since he has fallen from grace; however, we cannot help these things, and I am quite willing to believe and accredit to him just as much honesty in the course he is pursuing to-day, in repudiating the views of his party, as he possessed at that time, because I know from the very character of the education of the hon. gentleman that he has no sympathy with nineteen-twentieths of the politicians with whom he is associated to-day. But, unfortunately, having left the paths of rectitude which he used to follow, politically I mean, and fallen into the winding and devious paths led by the Grits of this country, he has found it necessary on every important question brought before the House, to repudiate them to the fullest extent. I hope I may be excused if I apply language of Watts:

> "While the lamp holds out to burn
> The vilest sinner may return."

It is just possible that before long he may again find himself in a position where he will not have to repudiate so often those with whom he acts as he has done within the past few years. The hon. gentleman also referred to the position taken by Mr. Mackenzie and Mr. Macdougall at the time the Manitoba Act was passed. If he refers to the journal he will find that Mr. Mackenzie voted to strike that clause out.

Hon. Mr. SCOTT—I said so.

Hon. Mr. BOWELL—He will find that a large number of the Liberal party voted to strike it out. He intimated that I voted with him. That is quite correct. I have always taken my stand on these questions very much in the light of the explanation given by the hon. member for Prince Edward Island. I accept his explanations in these matters as expressing my views. But the leader of the opposition had no right to claim any liberality on a question of that kind for those with whom he has acted the most of his life.

Hon. Mr. SCOTT—He admitted afterwards he voted wrong on that occasion; he stated that he had changed his views.

Hon. Mr. BOWELL—I did not doubt that. There are a great many politicians who change their views as soon as they get into power, and it was for that reason I refused positively in my early political days to pledge myself to a course which I knew, should my party obtain power — John Sandfield Macdonald was then in power— they could not carry out; and it is by pursuing a course of that kind in this country at all times that the Conservative party has held sway so long. It is too much the fashion when gentlemen are in opposition to promulgate opinions in resolutions which they place upon the Journal of the House which they ought to know they cannot carry out when in power; and that is just the position Mr. Mackenzie found himself in when he repudiated his former opinions. I remember distinctly when the resolution was moved; there was a nice little by-play which only old politicians could understand. Mr. Blake, who was the power behind the throne, suggested something should be done to secure to the French and the half-breeds and the Catholics of the North-west Territories whatever rights they might have in that province, and then, as if it were a spontaneous effort on his part, and as if it had been sprung upon them, and it was something that they had never thought about, Mr. Mackenzie got up and gracefully accepted the suggestion. He changed his opinion; he was in Parliament; he had the responsibility of Government on his shoulders; and he found he could not do what he attempted to enforce when he was in Opposition. I do not want to weary the House much further; all we have to do in considering questions of this kind, more particularly of a character of such vital importance to the well-being and the peace of the community, is to consider two things— whether it be education or any other question which affects the people generally—to consider how far each province has legislated within the powers which are given to them under the constitution. I do not hesitate to say—and I think it will be affirmed by every member who heard the speech of the hon. member for Prince Edward Island, when he read the objections taken to the Prince Edward Island School Bill and the points of objection which he made were certainly stronger and greater reasons were advanced for the disallowance of that bill, than anything that has been shown to exist in the North-west Territories ordinances.

Hon. Mr. SCOTT—But the Confederation law was not the same. Prince Edward Island had no special Act; it came in under the general Act.

Hon. Mr. BOWELL—I do not conceive it necessary that I should be informed of that fact If the doctrine as promulgated here, is to be carried out, it was an interference not only with the Roman Catholic population of Prince Edward Island, but it was compelling them to send their children to a school of which they did not approve; it was compelling them to pay taxes to the support of a school to which they did not conscientiously think they could send their children; and yet the hon. gentleman took precisely the same position that we have taken: It was within their power; it was within their authority, to pass that Act, because they were not bound by any clause in the constitution which had been given them at the time of the union to maintain separate schools, and therefore he assisted, as he told us himself, in giving an opinion to the then Minister of Justice, Mr. Laflamme, not to disallow the Act. There is no evidence to show that in the Ordinance of the North-west Territories they have repealed, or that they have attempted to repeal, the Separate Schools Act. They have, it is true, changed the mode of conducting and managing these schools. How far they were justified as a matter of policy or in the interests of schools to take the position they did, I am not going to argue. The fact that the Government has suggested to the North-west Council the propriety of removing any objection which the minority have and to give authority and power to manage their own schools —rather not to interfere with their management either in the carrying on of their schools or in the books which they should use—is the best evidence of the individual opinion of each member of the Government that they desire to see everything removed from that Ordinance not consistent with the efficiency of the schools, and if it would be possible to do so, all that might give offence to the minority in this country; but what we have to consider, and what I think the hon. gentleman from Ottawa would have to consider, and what he did consider in dealing with the Prince Edward Island Bill, is whether that legislature acted strictly within the constitutional rights they had in passing that Ordinance, and if they did then the question would arise as to whether any Govern-

ment would be justified in interfering with it. My hon. friend said we should. The same principle exactly prevails in the province of New Brunswick. The Catholics of that province thought that their rights were interfered with; they appealed to the courts. Sir John Macdonald as Minister of Justice reported that the New Brunswick legislators were strictly within the constitution. The Catholics of that province as well as the Protestants in other provinces under the Confederation Act were guaranteed all the rights and privileges that they had by law at the time of Confederation.

Hon. Mr. SCOTT—By law.

Hon. Mr. BOWELL—By law. I said so. Then when the question was tested it was found they were strictly within the constitution. The hon. gentleman raised another point which I did intend to refer to, the words "the law and practice" in the province of Manitoba. Now if we are to accept—and I am not going to give an opinion contrary to the Lords of the Privy Council or any other court whose special duty it is to decide questions of that kind—we must abide by their decision. They have decided that no rights which they had in Manitoba either by law or practice have been interfered with. My hon. friend from Lunenburg said he did not agree with that. There are many others who are not lawyers who disagree just as my hon. friend did, and I am merely pointing out what they decided, and they decided it upon these grounds, that while separate schools existed---I am speaking subject to correction and I think I am correct —that while denominational schools existed in Manitoba at that time they were voluntary schools and no one person was asked to subscribe or to be taxed either for one or the other; and the Lords of the Privy Council say you can go on and do the same thing now. How far that is either equitable or just I am not now discussing.

Hon. Mr. BERNIER—But we have to pay for the others just the same.

Hon. Mr. BOWELL—I am aware of that. I wish hon. gentlemen to understand that I am neither justifying nor condemning. I am giving the grounds upon which the Lords of the Privy Council gave their decision; so that the effect of the words "by practice" being inserted in the Manitoba Act or in North-west Territories Act does not affect the general question to the extent to which the hon. leader of the Opposition contended. I know that many have very different views upon that question, but we have to deal with it as we find it on the statute-book, and I say it in all honesty and sincerity that the less we have to do with the disallowance of any Act, no matter what has been done in the past, of the Local Legislatures, which is passed under the constitution under which they are governed and which they have a right to pass, the less we have to do with it the better for the peace and harmony of this country. There are no separate schools in Nova Scotia, in the sense in which we understand it; my hon. friend from Halifax has been on the board of instruction himself for a number of years, and he tells us they never had any trouble. I believe that until within a year or so the schools have been working amicably and have been conducted without any friction in the province of Prince Edward Island and also in New Brunswick, over whose bill so much difficulty arose in Parliament. I believe with a little concession on the part of the community and each class of the people that all these things will soon right themselves in the west as in the east. I shall not detain the House by referring to the attempt made by the two hon. gentlemne to fasten upon the Conservatives of Ontario the desire to repeal their separate schools. In the first place the leaders of the Conservative party and the rank and file of the Conservative party with very few exceptions are not so—shall I use a very strong word —not so stupid as not to know that whatever may be individual views there the constitution of the Government which governs them maintains the rights of the minorities in that province and that there is no power to take them away and no man in his senses, no man but an idiot, would ever suppose that any party could attain sufficient strength in the Commons and Senate of this country to pass an address to the Imperial Parliament asking them to repeal that particular clause of the Confederation Act. No one but a madman would attempt it, and if he did attempt it the result would be ignominious defeat. Hence, my hon. friend, with his new associates in Ontario, need be under no misapprehension or fear; he can go to bed in peace

and never allow the question to disturb his mind, as to the action of the Conservative party in Ontario upon that question. I can assure my hon. friend from Halifax that there are no Protestants, not even among the Orangemen of Ontario, who go to bed and look under it to see if there is going to be a Guy Fawkes explosion. Oh, no; we live in peace and happiness in this country with all classes, except where the political agitator interferes, whose desires are to arouse the passions of the people—as your friend from Winnipeg has done, and a former friend of mine politically. We all get along very happily in this country. Some one referred to the kindly feeling which exists in the Lower Provinces, particularly in the province of Quebec, where Protestants are selected to fill offices in a strong Catholic community. I know that and have experienced the same thing in my own county. I can tell him that in the county in which I live, perhaps in one of the strongest Protestant townships there are—they elected a reeve for that municipality for nine successive years, and he was an honest straight-forward Lower Canadian French Catholic Tory; that accounts for his being elected there. I instance that to show that we can live harmoniously in Ontario, no matter how strong our individual opinions may be; that even where the large portion of the community belongs to one religious creed, they do not overlook the worth of those with whom they live and with whom they associate. My hon. friend from Quinté knows well the gentleman to whom I refer; he was held in high esteem; they never asked him whether he went to the Roman Catholic Church or English Church; they knew he was a man of worth and they agreed with him politically and elected him at the head of the municipality for nine years in succession. I could give you other illustrations among those people whom the hon. gentleman thinks go to bed at night and watch to see if there is a Papist under the bed. That does not exist in Ontario, I am afraid he got his information where he got his inspiration when he spoke of the position taken by Mr. Meredith.

Hon. Mr. POWER—The hon. member should not attribute a sentiment to me which I did not utter. I said in western Ontario where people had not associated with Catholics they had those views. My views are the same as those of the hon. gentleman.

Hon. Mr. BOWELL—There is no place in Ontario where there are not people of all classes and all creeds residing.

Hon. Mr. POWER—How is the P.P.A. so strong there?

Hon. Mr. BOWELL—Because of the reason given by my hon. friend from Prince Edward Island, and the bigoted agitators, who belong to the hon. gentleman's party.

Hon. Mr. SCOTT—Oh no.

Hon. Mr. BOWELL—My hon. friend will repudiate them also. A P. P. A. candidate has been elected for the local legislature against both the Conservative candidate and the supporter of Mr. Mowat. He is a Liberal and belongs to Mowat, and the mayor of Hamilton, to whom I referred the other day was also a strong supporter of Mr. Mowat, I refer to Mr. Stewart. Not only that, but he is one of the most rabid of the Liberal party that there is in that city and has been for years, and he hopes to be elected either to the Commons or to the Local House under the same auspices. I have no sympathy with that society. I have no sympathy with any society which bands itself together to ostracize any class of the community, and I say when you associate them with the society to which we have referred in this debate, you do a gross injustice to the teaching of those men who belong to the latter society, as has been shown by their action in Parliament, and by the votes and support which they have given for the last 40 years, to principles similar to those the hon. gentleman has enunciated. I congratulate him on the fact that he is now associated with the men who have raised nearly all this discussion. The hon. gentleman himself designated the gentleman who was introduced into the House of Commons, by the leader of the Opposition and who has been taken to the bosom of the Liberal party, as a "trickster." The hon. gentleman from St. Boniface proved beyond peradventure that he deceived the people, that he played the part of—well I won't use any other adjectives. It is not necessary. All I do is to

refer you for the answer to the opinions which these two gentlemen have of Mr. Martin who is now a shining light in the Liberal party, and who will no doubt be one of the Opposition leaders' colleagues, should the country ever be so unfortunate as to have them obtain power.

The motion was agreed to.

Hon. Mr. BERNIER—I beg leave to propose the second motion which is on the Order Paper.

Hon. Mr. POWER—I doubt if that is in order, because the hon. gentleman said that motion was to stand.

The SPEAKER—The motion which is in the Orders of the Day is carried. I presume this is what the hon. gentleman wants. As to the other motion it is proposed it should stand until to-morrow.

Hon. Mr. BOWELL—When the hon. gentleman from St. Boniface made his first motion I understood him to say that the discussion could be taken upon both motions, and after the passing of this motion which has now been carried, he would then move the other which is set down for to-day. That I think was the understanding, and he has now moved the adoption of the second motion.

Hon. Mr. POWER—There is no objection, except that when the motion was called by the Speaker to-day, he said it should stand, and that was presumably passing it over to a future day. There may be some hon. gentlemen who wish to discuss it.

Hon. Mr. BOWELL—The hon. gentleman said "let it stand" on the understanding that the full discussion was to take place on the other.

Hon. Mr. BERNIER moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all petitions, memorials and correspondence in reference to the appeal made in the name of the Roman Catholic minority of the province of Manitoba, in reference to the School laws of that province;

Also, copies of reports to and Orders in Council in reference to the same;

Also copies of the case submitted to the Supreme Court of Canada, respecting aforesaid appeal, including factums and all materials in connection therewith put before the Supreme Court, and of all judgments rendered and answers given by said court on or to the questions referred to them, not already brought down.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

---

## THE SENATE.

*Ottawa, Tuesday, April 10th, 1894.*

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

## RED DEER VALLEY RAILWAY AND COAL COMPANY.

Hon. Mr. MACDONALD (B.C.) presented the fifth report of the Committee on Standing Orders relating to the Red Deer Valley Railway and Coal Company. He said: In this case the petition was signed by the attorneys of the company, and not by the proper officials, but there is a guarantee that a signed petition will be presented to the House in a short time, and if that petition does not come, of course, the bill can be blocked in the committee.

Hon. Mr. MILLER—There is no recommendation made?

Hon. Mr. MACDONALD (B.C.)—No recommendation yet.

Hon. Mr. McKAY—I should like to inquire if this bill is reported. If it is not, there is no recommendation, and it will go no further.

Hon. Mr. MACDONALD (B.C.)—There is no recommendation.

Hon. Mr. MILLER—Then, there is nothing on which to found a motion.

Hon. Mr. POWER—As I understand, this bill has been reported on by the Standing Orders Committee without any recommendation, leaving the Senate to deal with

it, and I think the hon. member who is in charge of the bill had better make some motion, either to move that the seal be dispensed with, under the circumstances, or make whatever motion he thinks proper.

Hon. Mr. MILLER—It would require a recommendation of the committee for that purpose.

Hon. Mr. POWER — The committee thought they would not make any recommendation. They reported it to the House, for the action of the House. I think the committee might have made some recommendation, but they did not.

Hon. Mr. MILLER—I think the report is virtually that the Standing Orders have been complied with. I do not see that any motion can be made in the absence of the recommendation of the committee for that purpose.

Hon. Mr. POWER—I do not think the intention of the committee was to kill the bill.

Hon. Mr. McKAY—The committee felt, when the petition was before them, that it was not a petition that should ever have got away from the clerk, and never should have reached the committee. It was not properly signed, and the committee referred it back to the House. The committee can suspend the rule of the House with regard to the seal, and then it could go on.

Hon. Mr. MILLER—The House could suspend the rule only on notice, or on recommendation of the committee, and the committee has made no recommendation.

Hon. Mr. LOUGHEED—As I have charge of the bill, I might make this explanation to the House; that the seal of the company and offices of the company are in England, and under a misapprehension, the idea prevailed that the solicitors of the company in Toronto could sign the petition and the petition was presented in that way. Now, it would be rather unfortunate if this bill were blocked at the present stage, because the railway has been under construction during the last season, and a very considerable amount of money has been spent upon it—practically, the work of the whole of last season—and it is simply a technicality, the opinion having prevailed amongst the legal gentlemen who have to do with the company that the time had expired for the construction of the road, and it simply asks for an extension of the time for the necessary expenditure of money, and for a revival of the charter, if necessary. I will, therefore, move that the 37th rule of the House be dispensed with, in so far as the same relates to the petition of the Red Deer Valley Railway and Coal Company.

Hon. Mr. MILLER—That is out of order

Hon. Mr. LOUGHEED—I understand the rule could be dispensed with by the unanimous consent of the House. If the House objects to it, I must only give notice. The opinion did prevail in the committee this morning that that requisite should be dispensed with, viz., fastening the seal of the company to the petition.

Hon. Mr. MILLER—You had better give notice, I think.

Hon. Mr. POWER—No harm can arise.

Hon. Mr. LOUGHEED—Then, I will give notice, in accordance with the motion I have read, that the 37th rule of this House be dispensed with in so far as the same relates to the petition of the Red Deer Valley Railway and Coal Company.

Hon Mr. MILLER—I should like to call the attention of my hon. friend from Calgary to the rule which refers to the motion that he has just made. It is as follows:

17. No motion to suspend, modify or amend any rule or part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension. But any rule may be suspended without notice by the unanimous consent of the Senate; and the rule proposed to be suspended shall be precisely and distinctly stated; and no motion for the suspension of the rules upon any petition for a private bill shall be in order, unless the same shall have been recommended by the Committee on Standing Orders.

I do not think the motion is in order.

Hon. Mr. LOUGHEED—In the absence of any recommendation of the report, I move that the report be referred back to the Committee on Standing Orders.

The motion was agreed to.

## PICTOU HARBOUR BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (F) "An Act further to amend the Acts respecting the Harbour of Pictou in Nova Scotia."

He said: This is simply to quiet the title to a wharf which has been constructed by the harbour commission. The expenses connected with this have been paid by them and they are advised that it is necessary to have a short bill in order to confirm the title in the harbour commission.

The Bill was read the first time.

## THE SAFETY OF SHIPS BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (G) "An Act to amend the Revised Statutes, chapter 77, respecting the safety of ships."

He said: This bill partakes to a certain extent of the character of a consolidation of those acts, merely defining what the West Indies are. Some difficulty has arisen in the past in reference to the wording of the Act and also to provide for deck loads, giving the right to have a deck load of six feet when vessels are trading between the Dominion and the West Indies, but retaining the three feet on all vessels that are carrying lumber or deck loads to England. That is in accordance with the Imperial Act, and if we were to depart from the provisions of that Act and give by statute the right to load higher than that upon vessels' decks, of course they would not be allowed to land, under penalties, in England. When we are in committee I will describe the measure more fully.

The bill was read the first time.

## THE BEHRING SEA QUESTION.

INQUIRY.

Hon. Mr. McINNES (B. C.)—Before proceding with the Orders of the Day I should like to remind the hon. leader of the House of the question that I asked him last Friday. I should like to know if he is in a position yet to answer it.

Hon. Mr. BOWELL—I owe the hon. gentleman an apology for having overlooked the question, and I have to thank him for calling my attention to it. I made inquiries as to the statements made in the Imperial Parliament by Mr. Buxton and Mr. Bowles in the discussion of the Behring Sea Bill and find that so far as the seal fishing of this year is concerned, the Government is not aware that there is anything for which compensation could be asked. So far the seal fishing has been carried on without restriction. We have not yet received the text of the bill now before the British House of Commons, and until we do so it is impossible to say whether there may be ground for asking compensation or not. No such claim would be justified under the draft bill which was forwarded for our consideration provided our suggestions for its amendment have been adopted. The Government have received no claims from those interested in the fishing in relation to the bill now before the Imperial Parliament. That is about the way in which the matter stands at the present moment. Of course the House will understand that that does not affect in any way the claims which have been made for seizure in the past.

## COMMUTATION OF THE DEATH SENTENCE.

MOTION.

Hon. Mr. McINNES (B.C.) moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all petitions, or communications to the Governor General, or the Government, or any member thereof, asking for interference with the death sentence passed by Mr. Justice Harrison upon the two Chehalis Indians, Peter and Jack, in November, 1893, for the murder of the late Albert Edward Pittendrigh, in New Westminster, British Columbia, on the 27th October, 1892; of all replies thereto, and all correspondence between any member of the Government and any other person on the subject of commutation of such sentence; of all reports or recommendations on the said subject by any member of the Government to His Excellency, and of all replies thereto, and of all Orders in Council in anywise bearing upon the subject of the commutation of said death sentence to imprisonment for life.

He said: It is at the instance of a very large number of the most intelligent and influential citizens of British Columbia, and more particularly of New Westminster district and city, that I have brought this matter before the consideration of the House. I say New Westminister City, be-

cause it was in that place that the unfortunate young man, Albert Edward Pittendrigh, was murdered on the 27th of October, 1892. The people of New Westminster, as would naturally be supposed, take a deeper interest than others in the circumstances connected with the case. I may say before proceeding any further, that I am one of those who believe that it is only on rare occasions and under exceptional circumstances, the action of the Governor in Council should be questioned or adversely criticised in dealing with the commutation of the death sentence. While I am prepared to make that admission, I also claim that it is only on rare occasions and under extraordinary circumstances that the Department of Justice should recommend the commutation of the death sentence of any prisoner, unless the recommendation emanated from the judge and jury who tried the case ; or unless fresh evidence of an unmistakable character is adduced after the trial. Because taking everything into consideration, hon. gentlemen must know that a judge and a jury, knowing all the circumstances and hearing all the evidence, are the best judges of what the sentence should be. The vast majority of the people of the main land of British Columbia believe that a gross miscarriage of justice has taken place in the case under consideration, and it is in order to carry out their views and to inquire into the facts of the case that I have brought this question before the House. When some of the principal facts in connection with the case are made known, I think the House will come to the same conclusion as the people of British Columbia and hold the same views that I entertain on the subject. To perfectly outline the history of the case, I will say that this young man, only twenty-five years of age, who was murdered in the suburbs of New Westminster in October, 1892, was the son of Captain Pittendrigh, a gentleman who occupied a high position for a number of years in the Imperial Army and served in different parts of the empire, and for his long, valuable and faithful service, and for his heroic acts, his breast is literally covered with medals. Captain Pittendrigh moved to New Westminster nineteen years ago, accompanied by his late son. Since that time he has occupied many positions of trust and responsibility. For several years he was the agent of the Dominion saving bank. Subsequently he became the principal justice of the peace in the city and district of New Westminster, and off and on for several years acted as police magistrate in the city. In addition to filling those positions of trust and responsibility, he is and has been for several years a coroner for the district. As to his son who accompanied his father when only a lad of six or seven years, I have only to say that he was educated in New Westminster and lived in New Westminster city and district from the time that he arrived there until his unfortunate death occurred in 1892, and owing to his kind and generous disposition he became a general favourite. His conduct and bearing were such that he was held in high esteem by all classes in the community, and, different from most young men, especially in the wild west as it has been called, he was not addicted to drink or any other vices that would lower and degrade him in the scale of morality and manhood. Without saying too much, I can speak of my own knowledge, for I knew the lad from the very day he arrived there up to the time of his death, and a more promising and better citizen New Westminster did not possess. As I have said, he was murdered in the suburbs of New Westminster on the 27th October, 1892, by the Indians Peter and Jack, and Peter's wife Mary, happened to be there at the time. Although they were taken in custody, almost caught I may say red-handed in the act, they were not brought to trial until December of the following year—about 13 months afterwards. Their trial extended over a week, and the reason was this : that it was nearly all Indian evidence that was given, and the Indian testimony had to be filtered through an interpeter. After hearing all the evidence, the judge had no hesitation whatever in charging against the prisoners. The jury retired and were only in their room for a very few minutes when they returned and handed in their verdict of guilty, without a recommendation to mercy. Sentence was passed and they were to have suffered the extreme penalty of the law on the 15th January last, but to the astonishment of the people of British Columbia, about a week before that date the sheriff received word from the Department of Justice that their sentences were commuted to imprisonment for life. I need scarcely mention than a wave of indig-

nation passed over the whole country and loud and long and strong were the protestations made against the abuse of executive clemency. They went so far as to call meetings, but cooler heads prevailed on them not to interfere in that way, that no particular good could arise from holding public meetings and passing resolutions condemning the action of the Department of Justice. They were at a loss to understand the reason for this commutation of the sentence. There had been no recommendation made by the jury. There was no recommendation by the judge, no petition circulated to have the death sentence changed, and it came on them like a thunder clap. The first indication that they had for the reason of the change in the sentences was found in the Ottawa *Citizen* of the 7th January, I will read it for the benefit of the House, and knowing that the *Citizen* was a paper in the confidence of the Government, as much as it is possible for any paper to be, they took it for granted that the reasons assigned in that issue of the *Citizen* were those upon which the Government recommended to His Excellency a change of the sentences. The executive reasons are given by the *Citizen* as follows :

The principal witness was Peter's wife, on account of whose alleged intimacy with Pittendrigh the shooting took place. She was a klootchman of the Douglas tribe, and the Chehalis witnesses testified that she had confessed to having done the shooting herself. Her friends, however, gave strong evidence against the accused. In consequence of the feud between the two tribes of Indians, it was thought to be more conducive to better state of feeling to exercise mercy rather than make it appear to the one that the lives of their friends were sacrificed, and to the other that their ill-will had been satisfied. The sentence was, therefore, commuted to life imprisonment.

Hon. gentlemen will see that there are two reasons assigned for the commutation of the sentence. The first one is intimacy with the wife of Peter, one of the murderers. I have only to inform this House, and if the hon. Minister of Agriculture has the evidence before him he will bear out what I am about to say, that during that trial the learned counsel who defended the prisoners made only a passing reference to that intimacy. You could not lay a foundation on that, and he rested his case entirely upon proving an alibi. The second reason assigned here is that of a feud between the two tribes, the Chehalis and the Douglas tribe. Now that was news to us out there. There is an old saying that you must go abroad to find news. Nothing of the kind exists, or has existed for the last twenty years that I have been there. They live in perfect peace and harmony, they intermarry, they visit each other, and work together in our fisheries and our sawmills, and in the different industries in which Indian labour is employed in British Columbia, so that there is not a shadow of a foundation for that plea. But supposing that the plea is correct, take it for granted for argument's sake, if it is correct, I ask what condition of things would we have out there in a short time if tribal differences and feuds would be the excuse behind which Indian criminals could shelter themselves? It would not be safe for a white man to go beyond the cities or settlements of that country. We were very much surprised indeed that no stronger and truer reason could be given than this of feuds between two tribes. Now, it may be asked by hon. gentlemen if a feud did not exist between these two tribes, and if the alleged charge of intimacy with the woman Mary was not true, then what was the motive of this murder? What induced those Indians to kill young Pittendrigh? I will inform the House, and it came out at the trial. The *Citizen* took good care to conceal that and not give it to the public. Two years before this, Albert Edward Pittendrigh, who was in the employ of the Dominion hatchery out there, went to the Harrison River to catch salmon for the purpose of getting ova for the hatchery, and he had several Indians in his employ. Among the number was this man Peter, and through incompetency and insolence he was not only discharged, but young Pittendrigh, losing his temper, cuffed his ears. That I believe firmly was the only reason why his life was sacrificed about a year or a year and a half after that.

Hon. Mr. O'DONOHOE—What remedy does the hon. gentleman seek, or is there a remedy against the exercise of the prerogative of clemency or mercy?

Mr. McINNES (B.C.)—I am not questioning for a moment the right and prerogative of the Crown, but I am questioning the expediency of the recommendation made to His Excellency the Governor General. That is the point. As I said before, that was the only reason that could be assigned why this promising young man lost his life. Unfortunately, in the past we have had many

Indian murders in our province. I am sorry to say that a great number of the murderers have escaped the punishment due their crimes, but when a case was brought home so unmistakably plain as the one I am now discussing, I think that a more unwise course could not have been followed by the Government, for this reason—that in the province of British Columbia the entire population is only 100,000, including Indians, Chinese and white men. Of that number we are credited with 35,000 Indians, or more than one-third of the entire population. The main body of the white population is confined to the cities. The Indians are scattered over our wide domain of over 375,000 square miles, and in many portions of the province there are thousands of Indians for every white man. Had this unwarranted act of clemency been bestowed upon a white man the consequences would not have been so serious, but the very fact of this interference with the due course of the law, I fear, will have a tendency to cause many good and worthy men to lose their lives when away in the fastnesses of British Columbia. In fact a premium is offered for the commission of crime by Indians. We have a good judiciary in the province of British Columbia. We are proud of our judges, and if there is one thing more than another that the people of the Pacific province appreciate it is the administration of justice. I say it here with pride that I believe there is not a portion, not only of the Dominion of Canada, but of the vast empire of which we form a part, where life and property are safer than in British Columbia and where the laws are more faithfully and justly carried out. In the past whatever those in authority promised Indians, was always fulfilled. If we promised to reward them for some meritorious act, we did so; if we promised to punish them for some infraction of the laws the punishment was inflicted, and the consequence was they were brought to respect the laws of the land probably better than any other Indians on the continent. It makes no difference whether a man is white, black, red or yellow, or what his creed or nationality may be, when he is brought to trial before any of our tribunals he can depend upon having justice, nothing more, nothing less, meted out to him. I might read here for the next two or three hours extracts from editorials and letters published in newspapers in New Westminster and Vancouver, bearing out, in much stronger language than I have used, the views that I have expressed to-day. I may say in conclusion, a great many of our people in the Pacific province, whether rightly or wrongly, think that some undue or secret influence was brought to bear on the Department of Justice to commute this sentence. I am loath to believe anything of the kind, but in order to quiet the feeling of a very large majority of the people out there I ask that the recommendations for the change of sentence should be laid before this House that we may know by whom they were made, because it is rather strange that executive clemency should be extended to these wretches without a recommendation from the judge or jury or a public petition to that end. I may say in reply to what has fallen from the hon. gentleman from Toronto, I do not for a moment question the right of the Department of Justice or of the Government to recommend the exercise of the prerogative of mercy to His Excellency the Governor General. I bow to that, but as I said before, I question the policy of recommending such a course. I believe that the less we interfere with the deliberate judgment of judges and juries the better will the laws be observed.

Hon. Mr. KAULBACH—The hon. gentleman has taken a very extraordinary course. If he had simply asked for papers relating to the matter, I probably would not have said a word, but when he denounces the Government for unwarranted interposition in this matter before the papers are brought down, he is pre-judging the case and in that he is doing wrong. If he wished to express any opinion he should have waited until the papers were brought down, but to say in advance of the papers being submitted that the Government have done wrong in exercising clemency is, to say the least of it, taking an improper course.

Hon. Mr. ANGERS—The hon. gentleman has moved for the papers relative to the the trial and sentence of the Indians Peter and Jack and commutation of their sentence. The Government have no objection to bring down those papers, but I am sorry that in dealing with the question of the prerogative of clemency, which admittedly is only exercised now on the recommendation of the

responsible advisers of the Crown, he has made a charge against the action of the Government. His speech should be followed by a vote of censure upon the Government for having recommended to the Governor General the exercise of the prerogative of mercy.

Hon. Mr. McINNES (B.C.)—I hope the hon. gentlemen will excuse me. I am not making a political question of this in any sense of the word. I am not censuring the Government; I am merely expressing the views of the people in New Westminster, in which I concur to a very great extent, as to the expediency of making that recommendation.

Hon. Mr. ANGERS—The hon. gentleman in endeavouring to differ from me agrees perfectly with what I have said, that it is censuring the Government for having recommended the exercise of clemency in this instance. The evidence in the case of Peter and Jack was most unsatisfactory before the judge and the jury. As the hon. gentleman has stated, all the evidence was from the Indians. It was difficult to adduce it before the courts. They had to use interpreters. There were two tribes interested in this trial, the tribe of the two prisoners and the tribe to whom belonged the wife of Peter. The evidence showed that Peter's wife had admitted having shot the white man; on the other side the wife alone gave evidence that it was her husband and his father that had shot the white man. The jury came to the conclusion that Peter and Jack were guilty, and the verdict was entered accordingly without any special recommendation to clemency. The hon. gentleman has stated that in no case should clemency be recommended unless the jury has made a recommendation to that effect.

Hon. Mr. McINNES—I did not go that far.

Hon. Mr. ANGERS—Very nearly that far, from what the hon. gentleman said. Very often circumstances occur, which are the occasion for exercising clemency. I believe in this case the recommendation was well founded. It occurred, from further evidence that this woman had admitted to several of her friends and relations, that she had shot this white man because he was attempting to have improper intercourse with her. If, on the contrary, the husband shot the man, the motive would appear there that this young man had no right to be where he was on that occasion, for the body was found just a few feet from Peter's tent, a place which was not on the thoroughfare, a place which was out of his proper course, and what is extraordinary, the evidence shows now that the night before this occurred, a friend of young Pittendrigh, called Heron, told him "you had better be on the lookout; if you interfere with Peter's wife, he will shoot you." Now, that is an extraordinary circumstance that will go to show that if Peter shot the white man, he must have had some reasonable provocation at the time. Otherwise, why would this warning have been given to the young man the night before? It has been said that great excitement prevails throughout New Westminster, because this sentence has been commuted. I am surprised that this should be the feeling of the people of New Westminster when a sentence is commuted. The people should not think of holding indignation meetings against the exercise of clemency, but, on the contrary, should lift up their hands and thank God that a judicial murder, perhaps, has not been perpetrated. It has been stated that this case had produced no excitement among the Indians. It is quite the contrary—there was very great excitement between the two tribes.

Hon. Mr. McINNES—I did not say that there was not.

Hon. Mr. ANGERS—There was very great excitement between the two tribes in relation to this sentence of hanging two Indians for the death of one white man. Of course we all know that those Indians are half civilized—that their notion of what is justice is limited to a certain extent, and that as a rule they are very suspicious. Some few months before a man had shot an Indian on Carroll Street in Vancouver, for which he was sentenced to the penitentiary for 12 years. The Indians in that district and all through there could not understand that a white man for shooting an Indian should only be sent to jail for 12 years and that two Indians should be hanged because one white man had been shot. Undoubtedly, according to their own notions it is eye for eye, man for man, and very likely the

Government exercising clemency in this case has saved the life of another white man. They have now less cause of revenge than they might have had before. It was stated that no petitions had been presented to induce the Government to recommend the exercise of clemency. The Indian agent and the Rev. Mr. Tate, a Methodist clergyman in the district, wrote concerning this case and were very much troubled about the consequences, if the death sentence should be executed. I shall refer to the letter sent to the authorities and signed by the Rev. Mr. Tate. I may say that from the information I have, the two Indians that had been sentenced were Catholics, and that the agent who mostly interfered in their behalf, in this instance, was the Methodist clergyman, the Rev. Mr. Tate :

I feel quite troubled about the sentence of Peter and Jack. There was certainly not sufficient evidence to warrant such a verdict and sentence of this kind. The strongest evidence against them was given by Mary, and both judge and jury seem to have overlooked the fact that she was suspected of having done the deed herself. In answer to a telegram, I sent down Mary's little boy, but his evidence was not taken. If these men killed Pittendrigh, it was because he was where he ought not to have been. This question was assiduously avoided on all sides, but the fact of his body being found a few yards from Peter's tent, tells the tale too plainly. If such is the case, I think the sentence ought to be commuted to penitentiary, in fact, it ought, in any case, to await further developments, for the truth will certainly come out. I have almost decided to lay the matter before His Excellency the Governor General. Would Bishop Durieu do anything? What would you advise? It seems terrible to have the poor fellows hung if they are not guilty. Please write me at once, and oblige, Yours truly,

C. M. TATE.

Hon. Mr. KAULBACH—To whom is that addressed?

Hon. Mr. ANGERS—To Mr. Devlin, Indian agent at New Westminster, and this document was accompanied with the report upon the case by the Indian agent, showing what was the feeling amongst the tribe, that they did not think that proper justice had been done, stating also the unsatisfactory nature of trial, from the difficulty of obtaining evidence, stating the feuds that existed between the different tribes and the parties interested. It was represented that this was a case to exercise clemency, and the Government came to that conclusion, and made the recommendation to the Governor-General, which he accepted; and I am quite sure that when the papers are brought down and read by hon. members, the House will agree with us that the course followed was the proper one.

Hon. Mr. POWER—Has the hon. Minister the report of the judge under his hand?

Hon. Mr. ANGERS—No, I have not the report of the judge here; it is in another file, but the judge only reports the trial in a very summary manner.

Hon. McINNES (B.C.)—I suppose the Government have no objection to bring down the papers.

Hon. Mr. ANGERS—We will bring them down.

Hon. Mr. McINNES (B.C.)—There are just two points to which I wish to refer. One is as to where the body of Pittendrigh was found. It is stated that it was found at a place within a few yards from Peter's house.

Hon. Mr. ANGERS—Peter's tent.

McINNIS, (B.C.)—And that he had no right and no business to be there. I have gone up that very path probably 500 times myself. It is between Front street and Columbia street, and there is a small winding path there through shrubbery and Indian tents or houses. There is no regular cross street within a quarter of a mile of it, and I would inform the Minister of Agriculture that the man who found Pittendrigh, probably about 15 or 20 minutes after he was shot, found him lying on that path, so that it is a path which is invariably used. It is probably not more than a foot and a half wide, and winds zigzag up an elevation of something like 75 feet between the Front street and Columbia street, so that there is nothing significant in the statement that the body was found in a place where the murdered man had no right to be. Now, with respect to another case that the hon. gentleman has instanced, that an Indian was shot in Vancouver a month or two before Peter and Jack were placed on their trial for the murder of Pittendrigh, I may say that that occurred on one of the main streets in the

city of Vancouver, and the murder or rather manslaughter, because murder must be premeditated, was committed by a man who was a raving maniac from the effects of whiskey. I do not think there is any analogy whatever between the two cases. The jury brought in a verdict of manslaughter in the Vancouver case, but the verdict in the other was murder.

Hon. Mr. ANGERS—But the Indians did not appreciate that. They did not find that there was any excuse for shooting an Indian because the man who committed the crime was in whiskey.

Hon. Mr. McINNES (B.C.)—I can only say that the Indians in British Columbia are shrewder and understand a great deal more than most people on this side of the Rockies give them credit for. They must have known the difference between the two cases. As far as Mr. Tate is concerned, I know him and have known him ever since he went to that country. He is stationed about 50 miles from New Westminster where this murder took place; and is probably not conversant with all the facts. Had he known them he would not have written to the Indian agent, Mr. Devlin, at New Westminster in the way he did. However, that is just one of the things I want to find out and I want to ascertain who the others were that sent in recommendations to the Indian agent or to the department. I submit with all due deference that those recommendations ought not to have been filtered through an Indian agent. If it was the Commissioner of Indian Affairs for the province I would attach a great deal more importance to it, but Mr. Devlin is merely a sub-agent. However, I hope that the Government will in a very short time bring down the return that I have asked for.

The motion was agreed to.

## A QUESTION OF PRIVILEGE.

Hon. Mr. FERGUSON—Before the House adjourns I have to ask the permission of hon. gentlemen to make a personal explanation. When I was addressing the House yesterday on the motion of the hon. member for St. Boniface, I took occasion to state that shortly after Mr. Dalton McCarthy had been at Manitoba, agitating the question of denominational schools there, he made a statement at a public meeting in Toronto to the effect that he had become a supporter of Sir O. Mowat. The accuracy of that statement was called in question by several hon. gentlemen, and I now submit to the House the proof of the statement I then made. I am reading from the Toronto *Globe* the report of Mr. McCarthy's speech on 30th November, 1892.

> They had seen the great leader of the Reform party in this country, the greatest man whom they had ever produced, denounced by a section of his followers because of his loyalty to the mother country, and because he in the exercise of his right dismissed a man from his office who was speaking treason. He was not one who desired to stifle free thought or free speech, but he did say that if Sir Oliver Mowat had never done anything worse he deserved the confidence of all the loyal men of this country. He, for his part, said to Sir Oliver Mowat that if he had lost the support of Elgin Myers he had gained Dalton McCarthy's support in the future.

The Senate adjourned at 4.35 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, April 11th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BILLS INTRODUCED.

Bill (H) "An Act to amend the Act to incorporate the Rocky Mountain Railway and Coal Company.—(Hon. Mr. Lougheed.)

Bill (I) "An Act to amend the Acts relating to the Moncton and Prince Edward Island Railway and Ferry Company."—(Hon Mr. Poirier.)

Bill (J) "An Act declaring and confirming certain rights and privileges in Fish Creek, District of Alberta."—(Hon. Mr. Lougheed.)

## THE HUDSON BAY ROUTE.

### INQUIRY.

Hon. Mr. FERGUSON (Niagara) rose to

> Call the attention of this House to the feasibility and importance of an Ocean route *via* Hudson's Ba

and Hudson's Straits, for the transport to Europe of the cereal products of the northern portion of America, especially those of Manitoba and the North-west Territories of Canada; and inquire of the Government whether they have received any further information on the subject of the navigation of Hudson's Bay and Straits since the report made thereon by the late Lieutenant Gordon, in 1887.

He said:—The subject of this motion is of such vast importance that I will ask you to kindly bear with me for a short time, while I endeavour to present to you some of the evidence that has been adduced from time to time, showing not only the feasibility but the practicability of this line of communication between our great North-west Territories and Liverpool and the markets of the world. I am, from all I have read and can learn, convinced that the Hudson Bay will become to the great North-west what the St. Lawrence has been and is to the great fertile valley which bears its name. That is the reason why I bring the matter up in this House. I may tell you that I have no connection, directly or indirectly, with any scheme or project with reference to that great route. I speak in the interest of the country in which I was born and in which all my hopes and aspirations are centred, and because I am firmly convinced that if we are to become a great country it is by opening up a short and cheap line of communication between our great North-west and the markets of the world. I would ask you for one moment to turn your minds to the geographical position of Hudson Bay, that vast inland sea, half as large as the Mediterranean, lying in the very heart of our continent, halfway between the Atlantic and the Pacific oceans, the western boundary of it being rather nearer to the Pacific than to the Atlantic. Port Churchill, which according to the testimony of all, is a magnificent harbour, lies four degrees west of the Mississippi River, four degrees west of Minneapolis and St. Paul and St. Louis. It bears the same relation to our great North-west Territory that the Chesapeake Bay would to the United States, if it penetrated 250 miles west of the Mississippi River. Therefore, I am convinced that the Hudson Bay has been placed there for a wise and good purpose, and that purpose is to serve as a means of transport for the products of our great North-west country. If you will direct your mind for a moment to the geography of that country and the position of Hudson Bay, you will see that it must have a very important bearing on the future advancement and development of our North-west. Hudson Bay, as you are probably all aware, lies between the 51st and 64th degrees of latitude. I draw your attention to this, because I intend to refer, before I get through, to what has been done in other countries lying far north of latitude 64. The bay lies between the 79th and the 95th meridians. This vast sea is therefore about 900 miles long and 600 miles wide, with an area of 500,000 square miles, equal in extent to one-sixth of the whole territory of the United States, and one-seventh of the whole of British North America—a peaceful, calm sea, where storms do not prevail, and which is navigable in all its parts, having a uniform depth of from 70 to 200 fathoms of water. It never freezes, only near the shores where the fresh waters come in from the rivers. The waters of the bay are about 14 degrees warmer than those of Lake Superior, the temperature of Hudson Bay being about 52 or 53 degrees. It is surrounded by a country abounding in many varieties of valuable mineral deposits, reports of which have been made by the great Dr. Bell, one of the most distinguished explorers and scientists to-day on the continent of America. I shall also refer to the valuable fisheries to be found there, when I reach that branch of my subject. Hudson Bay is a great basin, into which half a continent drains. It drains the whole of British North America east of the Rocky Mountains and north of the water-shed of the Mississippi and the St. Lawrence, a country extending 2,100 miles from east to west, and about 1,500 miles from north to south. This bay, as I will endeavour to point out, is rich, not only in the minerals abounding in the territories surrounding it, but rich in the depths of its waters as well. I will show you the vast wealth that the New England States are drawing from that sea from year to year. Questions have arisen as to the navigability of Hudson Straits. No such question arises at all with those who are acquainted with it and those who are familiar with ice navigation. Hudson Straits extend five hundred miles from east to west and one hundred to forty-five miles from north to south, the widest part being one hundred and the narrowest forty-five miles. I draw your attention to this particular fact, if your attention has not been directed to the

matter before, to show that no great ice jam can ever take place in the straits; from its vast width open water has always been found somewhere in it. These straits are from one hundred and fifty fathoms to, so far as we can learn, about three hundred fathoms deep. On either side of these straits the shore is high, ascending in most places two thousand feet, so that beacons or lights placed there would guide the navigator. As it is, the day there being, except for a short part of the season, in the fall, eighteen and twenty hours long, the twilight remaining the rest of the twenty-four hours, very little artificial light is required; in the summer season there is daylight almost throughout the twenty-four hours. Now, I will refer for a few moments to the evidence produced by those who have been there, by those who have explored and successfully navigated these straits for the last 274 years — navigated these straits with small and ill-constructed craft of only 50 tons burden and with 15 or 20 men. I desire to read the evidence itself, because any assertion I make in this House, might have no weight upon the subject. Sir Thomas Button in the year 1612 said:—

Sir Thos. Button, who commanded the expedition of 1612, in the "Resolution," proceeded through the Strait in June, and reached Digges Island without much hindrance from the ice. He wintered on the west coast of Hudson Bay, and returned through the strait in the summer of 1613 without any difficulty whatever.

Now, remember this date, the 1st June, because some of our weaker hearted men say you cannot get in there until the 15th July. The most experienced will tell you that you can get through the straits in June. You will find that Wm. Baffin got in on the 1st July. Captain Hawkridge in 1619 encountered no difficulties in reaching Hudson Bay by way of Hudson Straits. Capt. Luke Fox in 1631, gives a description of the ice there, which is perhaps too long to read; Fox had little difficulty in passing through the straits into Hudson Bay by the 21st of July. The return voyage during October, was still more favourable; he encountered no obstacles whatever and he was off Resolution Island, which is at the outer portion of Hudson Straits, on the 31st October. I call your attention to this date because I think I will be able to establish that even in the month of November there is good navigation through these straits by well-equipped vessels. If you go on you will find that Capt. Middleton in 1741 visited Hudson Bay:

The next important expedition was that commanded by Capt. Middleton, which left England in 1741; and this was followed by another, under Capt. Moor, in 1746. Middleton passed through the Hudson Straits without difficulty, and although Moor was baffled by pack ice for several days, he succeeded in making the passage early in the season. Mr. Wales, who was sent out by the Royal Society in 1768, also passed the strait with ease. In fact, he was only nine days in going through, during which time he met with no ice to interfere with the progress of the ship, although he was delayed by contrary winds and calms.

I wish to call attention to the fact that nearly all the delays which have occurred in Hudson Bay have been occasioned by calms and contrary winds, and not by ice. During the whole of the 18th century the Hudson Bay Company sent their ships as regularly as the seasons came, one or two every year, to ports on the Hudson Bay. If they had required to send 100 ships to carry their freight out of that country, their trips could have been made with equal regularity, but the cargoes consisted of valuable furs and one or two ships could carry out all that the company had to send. During the whole of the 18th century these ships were carrying out the most valuable cargoes, and so secure was the passage that the company did not deem it necessary to insure their vessels. During the whole of that century not a solitary ship was injured or lost in Hudson Straits. Two or three were lost during that period in Hudson Bay itself, and since then two or three have been lost in the bay because of bad navigation. They did not keep far enough from the shore and were wrecked. I come now to the expeditions of Sir Edward Parry in 1821-23; of Capt. Lyon in 1824 and of Sir Geo. Back in 1836:

The events of these memorable voyages are well known, and are indeed matters of history. Parry encountered much ice at the entrance of Hudson Strait on the outward voyage, and nearly the whole month of July was occupied in getting through it. But the delay was occasioned as much by adverse winds and calms as by the ice. On July 21st Parry wrote: "Bodies of ice became less and less numerous as we advanced up the strait from Resolution Island, and no ice was seen after we had proceeded a few leagues beyond the Upper Savage Islands." On the 25th he reported the sea almost free from ice, and on the 27th and 28th "ice in great quantities, but the pieces so

loose as easily to allow the passage of a ship with a free wind. This ice was so honeycombed, and rotten, that it appeared in a fair way of being dissolved in the course of a few weeks." That was, in all probability, ice that had drifted through Fox's Channel. The weather was on the whole fine and clear, only four foggy days being recorded during the month of July. During the return voyage in September, 1823, Parry was only five days passing through the strait, during which time no ice whatever was to be seen.

If these ships, depending on wind and tide, and the elements to propel them, could make their way through Hudson Straits for two and a half centuries, I want to know why to-day it is considered dangerous and impracticable to navigate these straits with the great improvements in naval architecture and increased knowledge of tides, and winds, and ocean currents? Com. Markham, as you are aware, went through the straits with Lieut. Gordon, and I will read what he says on that subject. In the first place the "Alert," which was used by Lieut. Gordon that year, was too weak in steam power, and was too small and unfit for the service. She had only about fifty horse power, and was perfectly useless in the ice. Com. Markham says:

Through some mismanagement or want of experience in ice navigation on the part of those who were occasionally intrusted with the charge of the ship, she was allowed to be beset by the ice. No advantage appears to have been taken of her steam power to extricate her.

I could read you evidence by the half hour to show that the most experienced navigators are of opinion that these straits are navigable. Now, with regard to the ice, the Esquimo who have lived there so long, bear testimony to the fact that ice never forms on the straits until December and up to that time every year the straits are open. We have now Commander Markham's testimony with regard to this. I will read you a few extracts from his report to show that he was of the opinion that Hudson Straits were navigable:

Steam has made a great revolution in ice navigation. A well-found steamer is able to make her way with ease through the ice in Hudson Straits in June and July, when a sailing ship would be hopelessly beset, and incapable of pushing on.

On the 5th July, we reached the entrance of Hudson Straits, where we were detained for some days, partly by thick weather, and partly by loose streams of ice; but the latter was never packed sufficiently close to prevent even a slow steamer like the "Alert" making fairly good progress. From the 9th to the 11th July scarcely any ice was seen, and a distance of 200 miles was accomplished in about 36 hours. This fact alone, without further evidence is in itself sufficient to show how free the eastern part of the straits was from ice; for the "Alert" if driven at her full speed could only steam about six knots an hour,

Steam has now effected a complete revolution in ice navigation, and the most advantageous time for pushing on is when the ice is loose. Under similar circumstances, a sailing ship would be utterly hopeless. It is, therefore, only reasonable to infer that what has been performed regularly, and, year after year, by sailing ships, can be accomplished with greater regularity, and certainty by well-built steamers, specially constructed for ice navigation, and provided with powerful machinery.

He puts the open season at from three and a half to four months. I can also quote from the report of the Geographical Society in England where they take a very strong and deep interest in this subject, but these reports are all before you and I shall not weary the House by reading any more on the subject. Lieutenant Gordon speaks of the value of the fisheries in that region. He says that a very large trade is being done in fish by the New England fishermen. I have in my hands a petition sent to me by the Geographical Society of the province of Quebec. It is addressed to the Minister of the Interior and calls attention to the value of these fisheries in Hudson Bay. The petition says:

Whereas, from the rather imperfect and incomplete information obtained concerning that section of the Dominion, it is known that the bay is possessed of fisheries which are considered as being on a par with those of the Gulf of St. Lawrence;

Whereas, the said fisheries are reported to have been practically monopolized by foreigners, without any hindrance whatever, for nearly half a century;

Whereas, according to the report of the Commissioner of Fisheries of the United States for the year 1875-1876, American whalers hailing principally from the states of Massachusetts and Connecticut, have made not less than fifty round trips to the Hudson Bay, and have taken thence cargoes of fish and fish products valued at $1,371,000, at least, or an average of $27,420 per trip, per vessel, during a period of eleven years preceding 1874.

According to this estimate, there has been this large quantity of fish taken out of these waters by the whalers and fishermen of the United States. Doctor Bell in his report to Parliament, speaks of the period of navigation in the straits as being four and a half months:

From all the evidence that can be collected on this subject, from the days of the Danish captain, John Monck, who wintered at Churchill in 1619-20, up to the present time, the author is induced to

believe that Hudson Bay Strait and Bay can be navigated by steamers, and the harbours entered during an average of four and a half months of the year. Annual records of the opening and closing of the Albany, Hayes and Nelson Rivers, extending over periods of fifty years and upwards, show that these streams are open for an average of at least six months each year.

The most experienced and intelligent of the American whaling masters who have navigated the Straits say that during the summer and autumn months, at any rate, should drift ice occur in these parts, open water suitable for the passage of steamers can always be found between it and bold shores.

Messrs. Job Bros. & Co., of St. John, Nfld., say :

There is no doubt of the practicability of navigating the straits and bay with proper steamers during the five months from June to October inclusive. This, with the time necessary for making the first outward ocean passage in the spring and the last homeward passage in the autumn, would represent nearly six months of navigation. The Hudson Bay route will thus bear comparison with that of the St. Lawrence, which is, perhaps, equally troubled with ice in the spring and fall.

It would be well to bear in mind the fact that it is to the interest of those who are trading in that part of the country to keep the people of Canada in the dark with regard to the practicability of navigating the straits. We all know what has been done in the past by the Hudson Bay Company to keep our people in ignorance of the value of the North-west Territories. The evidence with regard to the Hudson Straits and Bay is drawn from unwilling witnesses. The fishermen of New England have no interest in telling us that the straits are open for navigation for a considerable period of the year, and that the waters of Hudson Bay abound with fish, yet Capt. Jacob Tabor of New Bedford, says :

The entrance to the bay can be made from the 1st to the 15th of July. Steamers would have great advantages over sailing vessels, as they could steam inside of all obstructions from ice, water being bold close in shore, tides strong, say six to seven miles, but quite regular. No trouble about coming out up to November 1st, and some seasons later. Nearly all the danger from ice at that time would be outside Resolution Island. The ice comes down from the north and sometimes grounds to the south, and there piles up to the north until it closes the mouth of the straits. Hudson Bay is open all winter, and what little ice makes on the shore, breaks up with every gale of wind. About thirty feet rise and fall of the tide (in the straits and northern part of the bay), and currents are swift.

Remarks by Captain St. Clair, ship "A. Horton," of New Bedford :

June 13th, 1877, entered into the bay. Came out September 15th to 25th, 1878. Captain St. Clair had lost all his memoranda and log books, but was of the opinion that a steamer could go in by July 1st and come out as late as in 1878, in which year the ice did not make its appearance until November 12th.

Remarks by Captain Elnathan B. Fisher, who made eight voyages to Hudson Bay, covering some sixteen years :

A steamship can enter and go through the straits some ten days sooner than a sailing vessel, say by 1st July, and might some seasons sooner. Whalemen never had any trouble in coming out, as they leave as soon as the summer whaling is over, and are always out by November 1st. Ships do come from Cumberland Inlet later than that, and it is somewhat further north. The only trouble is in Hudson Strait, and that is caused by the ice coming down from Fox Channel and lodging among the islands in the straits, blocking up the narrowest part, which is about midway of its length.

A steamer could "crawl" out by keeping close to the rocks inside of the ice, as there is always open water more or less between the rocks and the great body of ice. The tide runs six or seven miles an hour, and at every turn of the same, more or less breaking up occurs, and a steamer could take advantage of all such changes, where a sailing vessel would be at a standstill if the wind was ahead and blew any way fresh. The bay is open all winter, except a little ice that makes near the shore, and that breaks up in every gale of wind. It was never very cold where we wintered, in a small harbour to the north-west.

Captain E. White, of New London, made two voyages into Hudson Bay, and one to Cumberland Inlet, and I should say was a very intelligent man on ice navigation :

On second voyage, July 4th, 1864, sighted Resolution Island. August 1st the ship was inside, but became somewhat damaged by the ice. A sailing ship has got a poor chance going in and out. With a good strong steamer one could enter the bay sure every year from July 1st to 10th ; and he thinks she could count on three months sure of such navigation, that she could pass in and out.

Captain Clisby, of New London, Connecticut, who has had fourteen years' experience in those waters : Four months, and often five.

Captain William Kennedy, who accompanied an expedition in search of the remains of Sir John Franklin, and who has had eight years' experience of the Straits : From June to November.

Mr. William A. Archibald, for many years in the service of the Hudson Bay Company at Moose Factory : From June to December.

Captain William Hackland, in the Hudson Bay Company service for 39 years : Straits never freeze ; no reason why steamships should not navigate at any time.

The Canadian Government sent three expeditions to the straits and bay, 1884-85-86, under command of Lieut. Gordon, in all of whose reports the period of free navigation is placed at four months.

Captain J. J. Barry, the first officer in each of the expeditions, thinks ocean steamships can enter as early as June, and can certainly come out as late as December.

Mr. W. A. Ashe, Superintendent of the Quebec Observatory, the officer in charge of the north coast of the straits, from August, 1884, to September, 1885, says the straits are navigable from 4½ to 6½ months, varying according to the class of ship.

Mr. C. R. Tuttle, secretary to the first year's expedition, places the period of navigation at eight months.

Mr. William J. Rynner, an officer who accompanied the three expeditions: From June to December.

Mr. J. D. Beaton, who made the round voyage with the expedition of 1885, reported the straits navigable from May to December.

Admiral Markham, R. N., an experienced Arctic navigator, accompanied the expedition of 1886: He reports, "*I believe the straits will be found navigable for at least four months of every year, and often five or more.* There will, I have no doubt, be many years when navigation can be carried out safely, from the first of June until the end of November."

Captain John Macpherson, of Stepney, London, as first officer and captain in the service of the Hudson Bay Company, made voyages from London and Stromness to Hudson Bay, and returned annually for twenty years says: "*There is no reason why steamships could not make the passage of the straits as early as the first of June, and come as late as the middle of November.*"

From 1719 to 1748 the Hudson Bay Company sent from two to four vessels per year to the bay. In those days the navigation of the straits was considered perfectly safe and comparatively easy by those men. I think men had stouter hearts in those days than have the men of the present day who speak against the route. The navies of France and England have fought battles in Hudson Bay. In 1782 the French Admiral La Perouse sailed in with three battle ships, one carrying 76 guns and two carrying 36 guns each, and dismantled Fort Prince of Wales. In 1847, 1848, and 1849 the British Government sent troops there from England and Quebec. Lord Selkirk brought all his people in the early settlement of the Red River country by that route. They went through the straits with small schooners, with which people would not now navigate Lake Ontario, and strange to say scarcely the loss of a vessel in Hudson Bay, with the exception of the four I have spoken of, during 150 years has been recorded. Henry Lefroy who was president of the geographical section of the British Association, says this:

Churchill Harbour will undoubtedly be the shipping port for the agricultural products of the North-west Territories, and the route by which immigrants will enter that country.

The Deputy Minister of Marine, Mr. Smith, says that Port Churchill is a magnificent harbour, as good a harbour almost as there is to be found on the Atlantic coast. Dr. Bell says the same thing, and so do others; the testimony of all witnesses on this subject is to the effect that Hudson Bay and Straits are navigable. Some put the season as low as three months, others put it at five or six; others say the straits are open all winter. Dr. Bell, who has been six seasons around that bay, and also made three trips through Hudson Straits on the Hudson Bay Company's vessels, and those who have lived at Port Churchill and those who have been there, say that Hudson Bay at Port Churchill freezes over at the entrance to the harbour only and not more than half a mile from shore, and this not earlier than the 1st of November, and that the ice could be easily broken. The advantage of that port is this: that the moment you are outside you are not in a river like the St. Lawrence with hundreds of miles of river navigation, but in the open sea and you are never troubled with ice. I think that our inland sea is bound to create a great revolution in the North-west. If we could establish that route and show the people of the world that agriculture can be carried on profitably in that country, there would be no need of any more emigration agents; all you want is to show the world that capital can be profitably invested in this country, and capital, labour and emigrants will pour in there without solicitation. One hundred and fifty years ago the Gulf of St. Lawrence was considered more impracticable for navigation than Hudson Bay is to-day; that was the testimony of nearly all who wrote on the subject. Capt. Vaunton in 1716 wrote that "of all known countries the navigation of the Gulf of St. Lawrence is the most difficult and treacherous." The number of shipwrecks in that gulf is perhaps better known to many of you than to me, but I have taken the trouble of looking up a few of the shipwrecks which occurred in former years when the navigation of the Gulf of St. Lawrence was about as little understood as that of Hudson Bay is to-day, and I find that the percentage of shipwrecks was greater in the Gulf of St. Lawrence than in Hudson Bay. In 1690 Sir William Phipps, after an unsuccessful attack

on Quebec on his way home, lost nine of his ships ; in 1694 "Le Carvasel," a French ship, was lost ; in 1711 Sir H. Walker, after that celebrated and historical event, on his return from attacking Quebec, lost eight of his transport ships on Egg Island. In 1725 Captain Baton lost one frigate and three sloops, and the loss of the "Chameau," two miles from Louisburg, took place ; in 1729, "L'Eléphant," a French ship, was lost ; and so on. In 1776 "L'August" was lost ; in 1736 "La Renanmio" was lost ; in 1738, at Mackerel Point, the "Colborne" was wrecked, and during the whole of this time the navigation of the straits was going on, ships passing in and out of the bay, and in the Hudson Bay Company's reports we have no record of any loss of life whatever. It is easily seen, if one's attention is directed to it, that if a fog should prevail in the Gulf of St. Lawrence, there is danger that ships may run upon rocks and strike heavy ice floes that are carried down the St. Lawrence as late as the month of June. The Arctic current coming from the Arctic Ocean down through Davis Strait past the entrance of Hudson Straits flows down by the Straits of Belle Isle. This ice does not dissolve to any appreciable extent, the water off the Labrador coast being (according to the testimony of those who have tested from time to time) about 32° temperature. Hence as much obstruction exists on account of ice at the Strait of Belle Isle as at Hudson Strait. Besides this, you have greater fogs at the former than at the latter. The reason of this is that as you approach the meeting of the warm Gulf Stream and the Arctic current off Newfoundland, the stratum of warm air overlying the former laden with vapour comes in contact with the stratum of cold air overlying the latter, and condenses the vapour into fog. Just as much ice passes the Straits of Belle Isle as passes the Hudson Straits, but the dangers are greater at the entrance of the Gulf of St. Lawrence, because greater fog prevails. Now, there are very few storms in Hudson Straits, and very few storms at all in Hudson Bay. Why is it you have few storms there ? I account for it from this fact : that Hudson Bay is far removed from the great storm king of the Atlantic, which is the Gulf Stream. Hudson Straits are far from the Gulf Stream ; and that is the reason you have few storms in either Hudson Straits or Hudson Bay. I believe that the navigation of Hudson Straits will yet be considered as safe as the navigation of the Straits of Belle Isle. The St. Lawrence 150 years ago was considered almost an impracticable route ; but what has been done by the efforts of our Canadian Government during these years ? By putting up lighthouses and danger signals everywhere, they have overcome all the difficulties of navigating the St. Lawrence, and to-day the Gulf of St. Lawrence is about as safe for good ships as any gulf in any part of the world. The Allan Company have lost many vessels in the St. Lawrence River, yet nobody is afraid to navigate the St. Lawrence. You will find that insurance companies—and I have investigated it—will insure vessels as cheaply to Hudson Bay as they would to Quebec through the Gulf of St. Lawrence, and at as low a rate as to any other port in the world, because the experience of the last two centuries and a half has shown them that there is very little danger in navigating these straits. Let me direct your attention to what other countries have done with regard to their navigation and to carrying on trade, even within the Arctic circle. Look at what Russia has done, the trouble she has taken to reach her port of Archangel. The route to that port lies between 61 degrees and 71 degrees north latitude : to pass through Hudson Straits, you have only to go as far north as 62 degrees. The greater part of the route to Archangel lies within the Arctic circle. All around is desolate and sterile, of course, as it is in all northern countries, but in the southern portion of that territory, as far north as the 61st degree north latitude, excellent cattle are raised and potatoes grown. In 1874 the exports of Archangel, which were mostly sent to England, amounted to no less than £1,234,390 sterling : 284 ships, of which 62 were steamers and 220 coasting vessels, entered and cleared at Archangel that year, though the harbour is only open from June until October. In Archangel the longest day is 21 hours, which enables them to navigate with safety. The day in the Hudson Straits is not quite so long, but almost as long as it is in Archangel. Now, take Siberia ; not including Central Asia, the population of that country is 4,313,680. The whole trade of the country to which I am now referring—a portion of Northern Siberia—has reached the Arctic Ocean, through the mouth of the Obi River,

the Gulf of Kara, which lies as far as 73 degrees north. On looking at the map, you will see that all the great rivers of Siberia east of the Ural range and north of the Altai range, running through Turkestan to the sea of Okhotsk, pour into the Arctic Ocean, and the trade of that country has gone out to the Arctic Ocean as far north as the 72nd and 73rd degrees of latitude, and has found its way to England, and the markets of the world by that route. The population lying north of 58 degrees north latitude was 3,968,609 ; in towns there were 345,471 ; population of Central Asia or southern Siberia, 4,675,267 ; in towns 651,831, ; population of Finland, 1,984,801 ; in towns 191,620. In the Obi River, about which I was speaking, and Kara Sea, all within the Arctic circle, and as far north as 75 degrees, we find 134 steamers, and 240 barges, representing a tonnage of 40,000, or a capacity of 1,320,000 bushels of wheat, plying annually down the Obi River, carrying the trade of that country to the Arctic Ocean, in order to reach the markets of the world, and they are doing it with comparative safety. Speaking of the Gulf Stream, you will find that the Arctic current sets into the Kara Sea, east of Nova Zembla, just the same as it sets south through Davis Straits, and no advantage can be derived from any warm current to the ocean, with regard to the navigation of these seas and rivers. The Russian Government, I may add, is constructing a line of railway 2,200 miles in length from the Japan Sea on the south east of Eastern Siberia, away North-west of the mouth of the Yenisei, lying in 74 degrees north latitude, for the purpose of carrying the trade of Eastern Siberia to the Arctic Ocean, to get the products of Eastern Siberia from Russia to the markets of the world in that way. They are to-day carrying the rails for that railway round by the Arctic Ocean to the mouth of the Yenisei River. I feel satisfied that what Russians are doing Canadians and Englishmen can accomplish, and in opening up this great Hudson Bay route we will have, without doubt, the assistance of the mother country —for this reason, that if ever it should be necessary for her to send troops to the far east she need not send them through the Suez Canal or by any other foreign route. She can send them through our territories to Vancouver, and from Vancouver to the east by a route a thousand miles shorter than by any other route that is open now. I will leave the question of Arctic navigation, but let me invite your attention to a few of the products exported by Russia which ought to be and can be profitably raised in our North-west so that we will reduce the volume and weight while increasing the value of the freights to be removed from that country. The number of vessels in 1890 that went back and forth between the White Sea and the ocean amounted to 596,156 tons and the number of vessels that cleared was 582. Now this is a port that is only open from June to October, whereas the evidence which we have from all sources is that our route is open at least from the 1st July to the 1st November, and with good steamers I believe all through the month of June. The southernmost part of the White Sea is 65 degrees north latitude and the vessels have to pass to the 72nd degree of north latitude. I grant you the Gulf Stream moderates the temperature there, but while it does so, it increases the storms caused by the meeting of the cold water of the Arctic Ocean with the warm water of the Gulf Stream and makes navigation much more difficult than it otherwise would be. I will just draw your attention to a few of these exports from the northern part of Russia. In 1890 Russia exported no less than 95,000,000 dozens of eggs, a product which can well be raised in our North-west, valued at $7,000,000. Of preserved eggs, $222,000 worth, making of eggs alone, $7,222,000 worth. Flax, $34,000,000 worth, and a large portion of this came from Archangel. Hemp, a great portion of it from Northern Russia, $10,000,000 worth. The total exports of these commodities alone reached the enormous figure of $51,220,000. Of raw petroleum or naphtha, in 1890 Russia exported 2,672,320 lbs. ; oil for lighting, 962,416,000 lbs.; oil for greasing, 97,616,960lbs. ; waste, 159,398,000 lbs. ; total, 1,121,103,280 lbs. All these articles can be profitably produced in our North-west and could be carried out of the country by rail perhaps as well as any other way, but certainly they can be produced in that country. The advantages to be derived from this route are so great that immediate efforts should be put forth by the Canadian Government for the purpose at least of finding out whether it is feasible and practicable. All the evi-

dence so far shows that it is, and I think what I have read of it is conclusive. I have only read a small portion, but the testimony of every one and the experience of 250 years teach us that the route is practicable and feasible, and with lighthouses and bell-buoys and other improvements which navigation requires the season of navigation could be prolonged very much. The right class of vessels would be constructed and the season of navigation so lengthened that the great trade of the North-west would be done by that route. Now let me give you a few of the distances that I have marked here between the ports of Europe and parts of the interior of this country :—

| | Miles. |
|---|---|
| Liverpool to Port Churchill..... | 2,926 |
| Port Churchill to Calgary..... | 1,000 |
| Calgary to Vancouver..... | 642 |
| | 4,568 |
| Liverpool to Montreal..... | 2,990 |
| Montreal to Vancouver..... | 2,906 |
| | 5,896 |
| Saving, Liverpool to Vancouver *via* Churchill..... | 1,328 |
| Liverpool to Mission Junction *via* Port Churchill..... | 4,526 |
| Mission Junction to San Francisco | 1,073 |
| | 5,509 |
| Liverpool to Mission Junction *via* Montreal and C.P.R..... | 5,584 |
| Mission Junction to San Francisco | 1,073 |
| | 6,657 |
| Saving in distance *via* Churchill.. | 1,328 |
| Liverpool to San Francisco *via* New York and Union Pacific R... | 6,630 |
| Liverpool to San Francisco *via* Port Churchill..... | 5,599 |
| Saving in distance *via* Churchill.. | 1,031 |

So we would have, by opening up this route, a means of transporting the agricultural and other products of our great North-west to the markets of Europe, effecting a saving of some 1,031 miles of land carriage, which, you all know, is very expensive. Not only would it carry the products of our own country, but it would carry the products of Minnesota, Dakota, and others of the north-western States, because it would shorten the distance very nearly as much for them as for us. There are immense petroleum fields in the North-west, which are of great importance. Russia exports very large quantities of petroleum to the markets of the world, as I have shown. We have large petroleum areas, and I find that they are within 350 miles of Port Churchill, so that if we could only open up that route, it would be of great advantage to the country. I do not believe, as some do, that the opening up of this route will be a disadvantage to any existing line, nor do I think it will be any disadvantage to the eastern provinces. All you want is to put people in that country; without people no line of railway can continue for any great length of time to be successful. No line can exist in Canada unless it pays expenses at least. The Canadian Pacific Railway is doing it and no doubt under the magnificent management they have they will do it for a long time to come. Even the Canadian Pacific Railway, in which we all have so great an interest, which we are all so proud of, to which we all wish the greatest possible success, would profit by the rapid settlement of that country, the increase of local traffic and the increased inter-provincial trade that would arise. It would be of more advantage to the Canadian Pacific Railway than to any other line. If we had five millions of people in the North-west, no one line or two lines of railway could carry the products of that country out. The productiveness of the soil in the North-west is so much greater than in the older sections of Canada that it would require increased facilities to carry out the products of the country to the seaboard, so that the Canadian Pacific Railway would have as much to do then as now, and would do its business at a much greater profit. Nor do I think it would be any disadvantage to the older provinces. I believe it would increase the trade of Montreal, Quebec, and the maritime provinces because these people then would furnish a market for us. We would become the manufacturing centre and produce for the requirements of the population in the North-west, so I am satisfied that every portion of Canada, from Vancouver to Halifax, would benefit by putting a large number of people into that country. As I said before, you require no emigration agents or societies. If you can show the people of the world that capital can be profitably invested in that country it will go there. If you can show that capital can be profitably invested in developing the petroleum fields in that country, people will go there. I have always looked upon emigration agents as being of no use to any country. It is a great expenditure

of money with no results. There is no use of putting people into any country unless you can show them that it is not only a good climate but that they can live there with profit and advantage to themselves. As soon as you show them that, you require no emigration agents and no donation or appropriation made by Parliament to encourage settlement. Put that appropriation that you make from year to year for emigration purposes into capital and invest it in having Hudson Bay and Hudson Straits properly surveyed and charts made showing the world that it is a feasible and practicable route, and you will find that it will become an important line of communication between our great North-west and the markets of the world. I have detained you too long; my apology is that from all I can learn and read I am filled with the importance of this subject. I may not live to see the day, but I hope to live to see the time that the Hudson Bay route will be opened up. I do not think the time is many years distant when you will find the great heavy trade of the North-west passing through Hudson Bay and Straits to Liverpool and the markets of the world.

Hon. Mr. DRUMMOND—I sympathize fully with the position taken by the hon. Senator. There can be no doubt that, looking on the map of the world, the fact that Hudson Bay reaches far into the heart of the continent, must make it a very attractive subject to every commercial man and in saying the few words which I propose to address to the House, I would disclaim at once and in advance the slightest jealousy on the part of any eastern man or any one interested in the St. Lawrence route as regards the proposed navigation of Hudson Bay as a means of developing the North-west. If I do not fully share my hon. friend's *couleur de rose* views in every respect, I am substantially with him in this, that if it can be proved that the navigation of Hudson Bay is commercially possible it would be a very great thing for the North-west, and I for one would hail it as a great thing for the whole of us in Canada. But unfortunately, while it is in the power of our Government and in the power of our Parliament to subsidize communication between all parts of the North-west and Port Churchill on Hudson Bay, it is not in the power of either the one or the other to control the physical fact which we have to encounter in emerging from Hudson Bay into the great Atlantic Ocean. I am encouraged to take the liberty of speaking on this subject without previous consideration of it, especially at this moment, because, attracted by the very facts which have been so ably laid before you to-day, I was one of a band of adventurers who took up this subject fully ten or twelve years ago. We surveyed the country from Winnipeg to Port Churchill for a railway, we procured from the Government a grant of land necessary for the formation of a port at Fort Churchill. In the course of that inquiry I obtained all the evidence which has been so well put before you to-day, and notwithstanding all the facts that were laid before us, there was an element of doubt which paralyzed our action at the critical point and finally induced my confederates and myself to abandon the project. We were never organized, but we paid our money to investigate the matter, and we are out of that money yet. The result of our investigation was to produce a rather lukewarm feeling with regard to the commercial prospects of the enterprise, and we decided to stand aside and let others take up the project. The fact that Hudson Bay and Straits have been navigated, impresses my hon. friend as it impressed me, but it really goes a great deal short of convincing me that commercially that route could be a success. I may be mistaken, and this I will say, that if that can be established there is no man in this Senate or in this Dominion who will hail the fact with greater joy than I myself will. You may have noticed, as I did, that occasionally the hon. senator proved a little too much. In one part of his speech he claimed that Hudson Straits were entirely free from ice for a very long time; and if you will notice the evidence which he produced on that point—

Hon. Mr. FERGUSON—I said at certain seasons of the year.

Hon. Mr. DRUMMOND—Yes, for a period of from three to five months.

Hon. Mr. FERGUSON—In all the outward voyages of these vessels none were detained by ice in September and October, and most of them found the straits comparatively clear of ice.

Hon. Mr. DRUMMOND—The information which I obtained was to this effect,

that at a comparatively early period of the year the straits were filled with ice for 150 to 200 miles. Shortly after that, with the advance of summer, the northern ice descended from the inlets and practically the whole of the strait was covered with floating ice of enormous strength and thickness, and then at a subsequent period the strait cleared itself once more and the navigation into the bay was all that could be wished for. It has been proved beyond all question that Hudson Straits have been navigated for a very long period by vessels, yet it does not carry to my mind the idea that a modern ship would meet with the same fate as the small insignificant vessels which were used during the periods referred to. We should not forget that the vessels which, under the charter of the Hudson Bay Company entered Hudson Bay so long ago, were small wooden ships, comparatively light in weight and that the modern tendency is to construct enormous vessels of immense carrying capacity and in consequence of their great weight and the enormous cargo they carry, the peril from floating ice or thick ice is proportionately increased. The hon. gentleman said that the invention of steam had revolutionized navigation through ice. Very likely that is so, and you see the truth of it in these steamers which navigate the ice clad shores of Newfoundland late in the spring after seals. The pursuit of seals by modern steamers of small size, specially prepared for that purpose, is rendered much easier by the fact that they are propelled by steam, but the commercial navigation of Hudson Straits and Hudson Bay by a modern ship, which alone can compete in economy of transport with what exists on other routes, is an entirely different matter, and my fear is that the very existence of floating ice would deter all those ships from going there at all. Now, if that be so—if it requires a ship to be specially prepared to encounter ice fairly, you neutralize the advantages of the route because the fact which gives a commercial importance to the Hudson Bay route is economy. If it should be practicable to have a railway to Port Churchill and bring the products of the North-west there, I, for one, would most certainly desire to see it. Perhaps with better light on the subject, I may think more favourably of the project. I am only speaking from the light given me to-day by the hon. member. I believe the evidence he has placed before us to be absolutely authentic. It is information given by an advocate of the project from one point of view, and I, for my part, go hand in hand with him to a certain point; I am simply introducing into this matter a question which a wise and prudent man would consider before putting his money into any business. Although the route may be 1,300 or 1,400 miles shorter, although Port Churchill may be that much closer to Liverpool than Montreal is, the very fact that one ship carries five or six thousand tons, dead weight, and another, only 1,500, would render the difference of the voyage of very little importance in the actual cost of the transport. Now, I am not here to discourage the hon. member; I am not here to oppose the inquiry which he makes. On the contrary, I am here to say that the subject is of such vital importance that I hope every information will be obtained upon it, and that the Government will consider it to be their duty to grant an inquiry which will set this question practically at rest; but the hon. gentleman, as I said a moment ago, occasionally in his address, conveyed to me the impression that he was proving too much. Any contrast between the wrecks which have taken place in the navigation of the gulf of St. Lawrence and the wrecks that have occurred in Hudson Bay is to my mind entirely futile. The fact that the St. Lawrence has been navigated by hundreds and thousands of ships in the course of a year and the Hudson Bay by 5 or 6 or 9 or 10 or a dozen, is a sufficient reason, apart from other considerations, to ensure that the percentage of wrecks will be much larger in the one case than in the other. As regards insurance, I doubt very much whether any insurance company has ever been asked to quote a rate for ships trading to Hudson Bay. I think the hon. gentleman stated that the Hudson Bay Co.'s vessels were not insured, but I doubt very much whether outside of these ships any insurance company has ever been asked to quote a rate, and general expressions on the question are absolutely of no value as to what insurance companies would charge. Now with regard to the contrast of the navigation of Hudson Bay and the navigation of the Russian and Siberian ports, we must bear in mind that all the products of the North-west have had a ready access to the south, and the condi-

tions are entirely different. In Siberia they had no access to the south, and it is a question of reaching the markets of the world through these ports in the north of Siberia and under the circumstances which the hon. gentleman has so fairly set before us, or of not getting out at all. I do not think that any one will put me down as an opponent of this project, because I explicitly and once again disclaim anything of that kind. I engaged in the question before, and I make the assertion now that I am ready and anxious to be engaged in it again if I should see a possibility or a probability of success, and these statements on my part, I think, should relieve me, as a citizen of Montreal, from any suspicion that there is any jealousy whatever. Nothing of the kind exists ; but let us hasten slowly and find out the facts. Ascertain, if you can, whether commercial ships of the modern type would go to Port Churchill to load if you provided them with freight to carry, and then we would have absolute proof of the fact that this is a possible venture or the contrary. For my part, I think there is no such proof before us, and while I shall most certainly support the hon. member in his desire to urge the Government to give attention to this subject, I caution this House that it is not quite so easily settled, nor so plain of proof as the eloquent address which we have just listened to would lead us to suppose.

Hon. Mr. FERGUSON—I do not care to be misrepresented—not that the hon. gentleman had any intention of misrepresenting me—it was a misunderstanding. I did not say there was no ice in Hudson Straits at any time of the year, but I said that the ice is of such a character that any vessel can easily make its way through it. I did not compare the wrecks of the Gulf of St. Lawrence with the wrecks in Hudson Bay. I said that in the early days of the St. Lawrence, with the ships coming up to Quebec, the percentage of loss was large as compared with Hudson Bay. So far as the insurance is concerned, I am credibly informed that inquiries have been made at Lloyd's in London, and that the facts have been ascertained on that question. I wish to make the explanation, so that I may not be unintentionally misrepresented in what I said.

Hon. Mr. KIRCHHOFFER—The exhaustive review of the Hudson Bay as a trade route which has been given by the hon. mover has been most interesting to me and I think interesting to those members of the House who listened to it. He has taken the subject up from a number of points of view, many of them not hitherto, as far as I can understand, thoroughly investigated, with the result that he has given us a large quantity of new and fresh details regarding a subject, whose interest had even prior to this information, appeared almost unbounded. It is more commendable however that he has brought this view before the House because it will have the effect of eliciting discussion upon this subject, which was apparent from the thoughtful remarks which we have heard from the last speaker, which I am very pleased to say he prefaces by stating that he is not to be considered as an opponent of the scheme, and the result of the discussion will be that we will have further investigation and more light thrown upon the subject. For there is no question about it that this matter has hitherto been confined, as far as the information is concerned, to a comparatively limited number of individuals, for although the Hudson Bay Company has been known for a great number of years, for centuries in fact in many English speaking portions of the globe, any very great extent of information with regard to them or their undertakings, their possessions or their productions, has been confined to their employés and officials and to those traders and merchants and trappers who had business relations with them. Even as recently as 1858 Lord Palmerston, in referring to the Hudson Bay territory on which a select Committee of the House had taken evidence and reported in a previous session, says :

> One could easily imagine that a wilderness in the northern part of America where nothing lives except fur-bearing animals, and a few wild Indians but little removed from the lower creation, might be confined to a company whose chief function should be to strip the running animals of their skins, and keep the bipeds sober.

Mr. Gladstone took a more favourable view as to our North-west, because, in the debate during the same session, he remarked —and we all know now a good deal of the truth of what this contains :

> There is a large portion of the surface of earth with regard to the character of which we have been systematically kept in darkness, for those who had information to give have also had an interest directly opposed to the imparting of it. Now, the truth is, beyond question, that a great part of this

country is highly valuable for colonization purposes, and it is impossible to state in too strong language the proposition that the Hudson Bay Company is, by its very existence and character, the enemy of colonization.

Now it is almost needless to remark that the great far-sightedness of that statement has been verified since then in a manner which at that period would have never been even dreamt of. That this great corporation has kept the North-west a *terra incognita* for so many years is but a part of the system which has long since recognized the fact that the fur trade has to retire before the steps of an advancing civilization. It cannot be doubted that the advantages of the country have been decried while the dangers and difficulties of the navigation of the bay and straits have been systematically magnified and exaggerated. And yet I do not agree with the hon. gentleman who last spoke that there should not be a contrast drawn between the navigation of the Gulf of St. Lawrence and that of the Hudson Bay route. I think it is eminently proper that such a contrast should be drawn, because the history of the early navigation of the Gulf of St. Lawrence corresponds almost exactly with that which has taken place of recent years with reference to the northern route. There is no doubt in my mind that the dangers that beset the navigator in the northern route fade into insignificance before those which the early mariner in the Gulf of St. Lawrence met with. He had to contend with the narrow and shallow channels of varying depths with all their sunken rocks and hidden shoals, and the fogs and the ice which beset that passage, while those which have investigated it tell us that the northern route is comparatively free from a great many of those dangers. Professor Bell, to whom the mover has alluded, in his report to the Royal Geographical Society on the navigation of Hudson Bay, states as follows :

> The main body of the bay is entirely without shoals, reefs or islands. Its depth is very uniform, and nowhere does it present any great irregularities. It averages about 70 fathoms throughout, deepening to 100 and upwards in approaching the outlet of Hudson Strait. While in the strait itself the soundings along the centre run from 150 to 300 fathoms.

And a still further comparison of the routes I think does not certainly show to the disadvantage of the northern. The reports of the navigation of the St. Lawrence present a ghastly record of the loss of the noble ships and gallant lives sacrificed in the prosecution of the investigation of that route at an early date when the object was to attain the same information with respect to the then unknown channel of the St. Lawrence, and to the then almost unknown land situated in the neighbourhood of Quebec, as we later on had to contend with in the Hudson Bay route, and I think that we can contrast it, and can do so favourably to the northern route, when we take the record of the numberless wrecks and the large sacrifice of lives that the hon. mover has spoken about. Contrast that with the record of the Hudson Bay Company (which I think is a marvellous one) trading between the British Isles and that great inland sea for 225 years; they have only lost two vessels, the "Graham" and the "Kitty," and during that time—although my hon. friend has belittled the extent of navigation which has taken place into the bay—during that time over 1,000 vessels have passed into the straits and into the bay, and successfully navigated it with only the loss of those two ships, and these vessels have been of all kinds, British troop-ships, emigrant vessels, men-of-war of the English and French navy and vessels on voyages of discovery, of trade and whaling—all the different businesses connected with the northern waters, and I say that if those northern seas had been successfully navigated for that length of time by those small and ill-equipped sailing vessels, we can easily see what we might expect from a properly equipped fleet of steamships placed on that northern route. I think that the remarks of the last speaker, although thoughtful as I said, and designed to promote a discussion on the subject, should not be taken as condemning the route at all. I think the hon. mover has shown that the route is not one which could be condemned, but one which must eventually be opened up and form the outlet of our northern country, because from the evidence produced undoubtedly the consensus of opinion goes to show that the straits and bay are open for navigation on an average of five months in each year, and although the hon. member for Montreal spoke about the ice which was to be met there, the trouble which has been experienced by ice being met with in the straits and bay has not arisen from its being solid ice at any period of navigation, but from the fact that vessels employed there were sailing vessels,

which when they got into the ice were becalmed and unable to move and drifted up and down with the ice for days and sometimes weeks at a time. But we must bear in mind that this terror to navigation would be removed by ships equipped in modern style, and the navigation of the bay may be safely said to be open and the harbours to be open for five months in the year, and I think much more than that can hardly be said for the early navigation of the St. Lawrence. Now, taking for granted that it is advantageous to have that northern route opened up, I would like to look at its connection with our possessions in the Northwest, the part of the country in which I am myself very much interested and of which I am a resident. We have all our lives been accustomed to hear of the great extent of the territory of British North America, a territory transcending in area that of the United States and forming a very large proportion of that great empire upon which the sun never sets, but until comparatively recent years of what value was this vast territory? It was practically valueless, it was locked up; it was of no use; it might contain (as it does contain) millions of fertile acres sufficient to afford a food supply for the whole of Europe, it might contain as it does millions of homes for settlers who are now eking out an existence in the older world; but all this was practically valueless until, as we know, the wisdom of our Canadian statesmen gave that aid to our great national highway which has resulted in placing us in connection with, and giving us access to the wheat fields of Manitoba and Assiniboia, the ranches of Alberta and Saskatchewan and the immense deposits of coal and petroleum, and the minerals which at varying intervals underlie all that country. The immediate result of the opening of that country by the railway was that a large influx of population took place, a comparatively extensive area of land was brought under cultivation and a considerable sum of money was expended both in public and private enterprises, in promoting the development of the country; but hon. gentlemen, although that development has been large and rapid, it would be idle for me to say that it has kept up either in pace or in volume with the expectations or hopes of its promoters and well-wishers. And the reasons are not far to seek. Difficulties incident to the settlement of any new country have been encountered of course, but have been successfully met and overcome; other burdens such as those imposed by tariff and other fiscal regulations have been also felt, but having been brought to the notice of the powers of the day they have been either mitigated or removed; but there is one disability under which we live which renders nugatory a great part of the hard work and labour of the settler which hinders him from obtaining anything like a full result of his hard work and labour, and which prevents the full, free and rapid development of that great country in which I think we are all so largely interested; and it is this that, situated as we are in the centre of a vast continent, with but one route to the seaboard, with but one outlet to those European ports which are the ultimate and inevitable market for all that north-western produce, we are almost hopelessly handicapped by the freight rates which absorb so large a proportion of the value of what is raised as to leave an infinitesimal part to reward the hard work of the settler who has actually produced it. He is the one who really suffers, because he is the one who gets the least reward, although he has produced the article which is carried out. Now, I do not want to join in any great outcry against the Canadian Pacific Railway for their not having immediately reduced these rates as soon as they were called upon to do so. I look upon that institution as being one of the marvels of the age; there is no doubt about it, and the same people who now are finding fault with the large fortunes which have been amassed by the promoters of that road forget, if they ever knew, the great trials and difficulties under which that road laboured in its inception, and the failure that more than once was imminent and was only averted by the wisdom of those who recognized that the failure of that road would have meant a death-blow for years to come to progress in our Dominion. There is no question about that, and also that this road is not a philanthropic concern; it is a business institution. It is managed by some of the most astute and most sagacious minds on the continent, and I presume they know what is best for their own interest. Recognizing, as they must do, the fact that the future progress and success of their road depends very largely upon the future progress and success of the

North-west country and equally that that country cannot progress in the ratio in which it is entitled with its other advantages, without having a large influx of population; recognizing also the fact that immigration to that country, is practically at a standstill and also that, as my hon. friend has stated, the best immigration agent is a happy and prosperous and contented settler who is already in the country; if the managers of that road, recognizing these facts, have not considered themselves able to meet the wishes of the people, by reducing those rates, it must be because those rates are already down as low as the financial condition of the road will allow them to be made at present. I can see no other reason for it, but it is all the more evident that it behooves the settler who can see no relief from any other source, and the members of the Government who should be, as they are, anxious to see this country and that great north-western country developed as largely and as rapidly as we all wish and expect, to turn their attention to some other source which will allow of the free export of the illimitable resources of that great north-western country. I, for one (and I know in this opinion I am joined by a great many gentlemen) do not see any other hopes for the proper development of that country but the opening up of this Hudson Bay route. I do not want to trouble the House with any statistics, because the subject has been very largely gone into by the mover, but I should like to call attention to these facts. As he has said, from Churchill on Hudson Bay to Liverpool is seventy miles shorter than from Liverpool to Montreal, and over a hundred miles shorter than from Liverpool to New York. The distance from Montreal to Winnipeg is 1,400 miles, that from Churchill to Winnepeg 700 miles. There is a saving of one-half of the land carriage. Now it costs 46 cents per hundred pounds to forward wheat at present from Winnipeg or Brandon to Montreal. That is at the rate of about 30 cents a bushel. If the land carriage costs at present that rate, and that land carriage could be reduced by one-half, then fifteen cents per bushel would be the rate, and that rate on twenty millions of bushels would mean a saving to Manitoba alone of three millions of dollars divided amongst those settlers who are now crying out for some relief. As far as the navigation of the bay is concerned I would tell my hon. friend that I am informed by Mr. Sutherland, who is the president of the Hudson Bay Railway and is very largely interested in that concern and has spent an immense amount of energy, and the last ten years of his life in promoting it and sunk a great deal of money in it without any return so far, that an arrangement has been effected with the steamship company, owning a large fleet of steamships in England (which steamship company controls the whole of the navigation of the Baltic and the European Arctic seas) whereby a fully equipped fleet of vessels will be placed on this route as soon as the traffic warrants it, and I think there is no doubt that it can be done, because the steamship company is already in existence and has the trade and has the vessels which have been engaged in the trade, and they are thoroughly acquainted with northern navigation and the dangers which beset it. It has been stated that one difficulty to be met with on the northern route would be the fact that we would not be able to move the crop in the year in which it is produced. This is undoubtedly the case. We would not attempt to do so nor do we desire to do so. The fact is that a very small percentage of the western crop ever reaches the markets of the world in the year in which it is raised. As far as our farmers are concerned their time is taken up, after they gather their harvest until the frost sets in, in doing their fall ploughing, and experience has taught us that to export new wheat in bulk in the holds of vessels through the damp warmth of an ocean voyage exposes it to the danger of heating and it is likely to reach the port to which it is consigned in a damaged condition. Therefore it will be necessary that a large portion of the crop should be stored at different points awaiting shipment and the fact of its being held over in our northern climate only causes it to mature better and to acquire in the highest degree that flinty hardness for which it is so justly celebrated. Of course it would involve the necessity of having a system of elevators with large storing capacities such as exist already at Fort William and other points. It would only have to be done on a larger scale. Access to this bay could be had in many ways. Tributary to it there are a number of very large rivers, one of which I know has a navigable length of over

a thousand miles, and there are others of very large volume. In addition to bearing the produce of that western country to the bay, there are upon these rivers some wonderful water powers, and these we can certainly look forward to becoming the centres of manufacturing industries of great value at a future period. I understand that on the Nelson River, a hundred miles from its mouth there is a water power which exceeds the volume of any other (except probably the falls of Niagara) on the continent of America, and it is not too much to look forward to the establishment in that northern country of manufacturing centres which will rival those in the great republic to the south of us, and will be the means of giving employment to thousands of Canada's sons who now expatriate themselves for the purpose of earning a livelihood in the great cities to the south of the line. And not only the produce of our own North west but that of the Western States also, will find an outlet over this route. Once get the route established, and the trade must follow it as surely as the night follows the day. I do not think that the great corporations to which we have alluded, should be adverse to this scheme. The Canadian Pacific Railway Company, with its enormous land grant, and the Hudson Bay Company, owning as they do one-twentieth of all the land in Manitoba, would certainly find that any small loss they might have to put up with at the present time would be far more than counterbalanced by the enormous expansion of the business of the country which would take place, and by the extension of the local trade, and by the increased value of their lands in that country. I do not wish to take up the time of the House further. The matter has been exhaustively opened up, and I trust it will result in a discussion which will promote great good for the enterprise. I always feel that while the name of Sir John Macdonald will always be indelibly associated with the Canadian Pacific Railway, that the Canadian statesman whose name will be identified with the opening up of the Hudson Bay route, will hold as high a niche in the temple of fame, and it is eminently proper that this honourable body, by their action, should take the best means in forwarding and promoting the project, and share in the achievement by impressing the importance of the subject upon the Government.

Hon. Mr. ANGERS—I am sure the House is very thankful for the information that has been given on this subject by the hon. gentleman from Niagara, and those who have taken part in this debate. The Government has in the past given much attention to the subject of opening up a commercial route for our great North-west through Hudson Bay and straits. In 1884 and 1885 the Parliament of Canada decided to station officers in the straits and on some of the islands at the northern part of the Hudson Bay for the purpose of procuring information. At that time, as to-day, nobody opposed the project of seeking an outlet for the North-west by that route, but it so far remains a question whether it is commercially practicable. There is no doubt that the straits are navigable and have been navigated by sailing vessels for three centuries and recently by steamships also, but I think the hon. member for Kennebec has given a warning when he put the question whether it was commercially practicable. We all know that the vessels that are sent there are specially built for that purpose. They are strengthened in the bow in such a way that they can sustain a very heavy shock without being destroyed. They are vessels of limited capacity. Formerly they were only sailing vessels. Some advantage has been gained by the fact that now steam is used, but the question arises, can the ordinary vessel used for the transport of merchandise to-day, be made use of for carrying the North-west grain, should it reach the port of Churchill? I think there is a doubt about that. If it is answered in the negative, then we have to look at the question whether it would be a paying enterprise to build a special fleet to carry freight from Port Churchill to England.

Hon. Mr. BOULTON—Whalebacks.

Hon. Mr. ANGERS—How long is the navigation open in Hudson Straits, is another question which I think can be wisely put. From observations made during the two years under the supervision of the Government of Canada and from the records of the Hudson Bay Company, it is safe to assume that navigation in the straits does not fairly open before the beginning of July and closes at the end of October. You have therefore navigation in Hudson Straits

during three or three and a half months. Is it, moreover, such safe navigation as would encourage the building of a fleet for the purpose? If we refer to the log of the "Alert," in 1884 and 1885, we find that she was detained during twenty days by ice in the straits, from the 1st to the 20th of August.

Referring to the great advantages offered by Port Churchill we must also look at the fact and put the question—when does that port close? The records show that the port is closed at the very beginning of October—that early in October and towards the middle of October the river is frozen over and there is drifting ice in the harbour. Those are all difficulties in the way of shipping from that port at that season of the year. If I make these remarks it is not with the object of discouraging the enterprise, but to draw the attention of the House to the report of Captain Gordon an officer of the navy giving the result of observations made in 1884 and 1885, and the records of the temperature, of the drift of the ice, of the opening of navigation, and the closing of it during the two years that those officers sent by Canada were stationed in Hudson Strait. I may say, in reference to the remarks made by the hon. member from Brandon, that no people are more anxious than the people of the east and of the centre of Canada to see the North-west prosper. Nobody feels more desirous that the capital invested in that country should be profitable. He has stated that the freight rates were a great drawback to the settlement of the country and to the settlers there at present—that the freight perhaps prevented settlers from going in as fast as they should, but this is an accidental condition. The freights on the Canadian Pacific Railway, I believe, are no higher for the same distances than they are upon any of the American roads, but the trouble this year is the low price for the products of the country. Of course when wheat is only 42 cents per bushel the freight will appear very high, whilst the same freight, the hon. gentleman will admit, would be reasonable if the price of wheat were, what it usually is, from 60 to 70 or 80 cents per bushel. The rate would not be so oppressive as it may appear to-day. If any further light can be thrown on this question of having access to Europe by the Hudson Bay route, the hon. member and all the members from that section of the Dominion, may rest assured that there is no jealousy, no narrow-minded feeling, on the part of the people of the east that would oppose it on the ground that it could hurt the traffic of the River St. Lawrence. In answer to the question put by the hon. member from Niagara, I am to state that the Government have no fresh information regarding the navigation of Hudson Bay since 1887, except the report of Mr. Ogilvie, which relates only to James Bay, and would throw no light on the navigation of Hudson Bay and Hudson Strait.

Hon. Mr. FERGUSON (Niagara)—The hon. member has said that the vessels were built specially for that trade. I would refer him to the statements of those who sailed ordinary vessels in Hudson Bay years ago. Those vessels were not built specially for that trade, but were, nevertheless, for years used in the navigation of Hudson Strait and Bay. I think the hon. Minister will find out, by reading the records, that the port of Churchill does not close up about the first of October, nor does it until the first of November. I would refer him also to the House of Commons Committee report in 1884. After sitting for days and taking evidence of the very best witnesses of the time, their report is of the most favourable character. They state that the route, in their opinion, is practicable and feasible. I would refer him also to the report of the committee of the Manitoba Legislature where they took for days the evidence of the most practical witnesses, men possessing the greatest experience and knowledge, and the report of the committee was most favourable. If the hon. the Minister will look at these reports, he will find that all the evidence goes to show, as I stated before, that for three or five months of the year there is open navigation through Hudson Straits. I may say also that I have been informed, from the most authentic sources, that what I said with regard to rate of insurance is correct. I do not desire to say one word against the Gulf of St. Lawrence, because it would be no use to say anything. Its practicability has been too long established to be questioned. But I said that 150 years ago there was more prejudice against the St. Lawrence route, than there is to-day against the Hudson Bay route, and that the prejudice has been overcome by the skill and ingenuity of man. With all the improvements in naval architecture, and all

the knowledge we possess, if science is not able to do to-day what was done 200 years ago, it has been of little value to mankind. The evidence gathered from any source you like, even from the mouths of unwilling witnesses, proves that the straits can be navigated for three to five months, or perhaps longer, with the improved system of vessels. If that can be done, the advantages are so great that I would ask the hon. Minister to urge upon the Government the desirability of spending a little money in getting charts and surveys of these straits, and I would rather put money into that than into the hands of emigration agents.

Hon. Mr. POWER—I would call the attention of the hon. member from Niagara to the fact that this matter has been discussed on two or three occasions in the Senate, and if the hon. member will consult the Senate Debates for 1890 and 1891, he will find that pretty nearly all the evidence he has produced was brought before the House and the subject was fully discussed then.

Hon. Mr. FERGUSON (Niagara)—I desire to thank the hon. gentleman for the information, but I have not seen that evidence nor have I examined it, and I think his remarks were uncalled for.

Hon. Mr. POWER—I did not want to reflect on the hon. gentleman at all. I simply wanted to call his attention to the fact that the subject was fully discussed in this Chamber before.

Hon. Mr. ANGERS—The object of the hon. gentleman from Niagara was to find if there was any further information since that time, and I think his inquiry was a very proper one.

Hon. Mr. POWER—I did not wish to reflect on the hon. gentleman at all.

Hon. Mr. BOWELL—The remarks from the hon. gentleman from Halifax were of a character from which there could be only one deduction, and that is that the question of the Hudson Bay route having been once or twice discussed in this House, it should be tabooed for the future.

Hon. Mr. POWER—Not at all.

Hon. Mr. BOWELL—I know the hon. gentleman did not say so, but that is the inference I drew from his remarks and I think most hon. gentlemen in the House did the same. I beg to remind the hon. gentleman that no great scheme has been propounded in the past (and I fancy it will be the same in the future), but it had to be brought under the notice of the people a great many times before they became sufficiently acquainted with the subject to invest their money in it. There is another point in connection with this matter, that all great enterprises have been brought under the notice of the public by men who have given them special study and have adhered to their idea until they achieved success; and depend upon it, the man who pursues any course of that kind through life is apt to succeed. I shall not be at all surprised if my hon. friend, who is young in years, will hear this question discussed a great many times more. I was not only interested, but very much instructed by the remarks of the hon. member from Niagara, which were well supplemented, though not strictly from the same standpoint, by the hon. gentleman from Kennebec, and supported very ably by one of our young senators, the hon. gentleman from Brandon. While we have time, as we have had to-day, I should be very glad, as one member of the Senate, to hear speeches of the character that have been delivered here to-day. They showed deep study and research in the subject with which they dealt, and I hope they may have in the future the effect of convincing my hon. friend from Halifax that his opinion and mine upon this and some other subjects are not always right

Hon. Mr. READ (Quinté)—It is not often that I can say a word in favour of my hon. friend to the left (Mr. Power) but I did not understand, nor did I think he said anything to offend the hon. gentleman to the right of me (Mr. Ferguson.) Some of the older members of the House will have a clear recollection that this thing has been thrashed out pretty well, and if the hon. leader of the Government had been here some years ago, he would have heard a discussion upon this same matter.

Hon. Mr. BOWELL—I heard it in the other House.

Hon. Mr. READ (Quinté)—Consequently this question is not new to us. I have

spoken once or twice myself on the matter and it has been pretty well ventilated. I must thank the hon. gentleman who brought up the subject to-day for throwing a little more light upon it; however, a great deal of it is in the Debates already. I hope my hon. friend to the left of me has not said anything to offend; it is very seldom I can defend him because he is very often in the wrong.

Hon. Mr. POWER—I think I have a right to make a little explanation. My language has been misconstrued altogether. I was aware of the fact that the hon. gentleman from Niagara was not in the House at the time this subject was discussed before. It has been discussed on at least three different occasions. The first time was on the motion of the gentleman representing the Victoria division, the Hon. Mr. Ryan; and it was discussed at considerable length and very fully on a motion made by the hon. gentleman from Shell River in 1890, and again in the session of 1891 the matter was discussed at very considerable length and amongst others by the hon. gentleman from Sarnia in connection with a bill which was then before the House. I listened with a great deal of pleasure to the speech made by the hon. gentleman from Niagara and also to the speeches made by the hon. gentlemen who followed, but it struck me as being rather singular that those gentlemen all spoke apparently in ignorance of the fact that the matter had been debated here before, and I thought, for instance, it was hardly fair to the hon. gentleman from Shell River that the discussion which had ensued upon his motion in 1890 should not have been noticed at all. I did not mean to find any fault whatever with any of the gentlemen who have spoken. I simply called the attention of the House to a historical fact that this matter had been discussed bfore.

Hon. Mr. KAULBACH—I do not wish to make an address on this matter, but I would simply tell the hon. member that there is an old saying that it is usual to exaggerate difficulties where local interests are not in the line of their removal. Where parties do not desire to find a mode it is sometimes difficult to find one. I am not going into the discussion now, because it is closed, and it would be unwise to do so, but I believe the time will come when the Hudson Bay route will be opened up and be the great highway for the trade of the Northwest. I do not regard it as impracticable. I believe the straits can be navigated, and all the difficulties which exist can be overcome. In Prince Edward Island we had the same experience; it was considered impossible to maintain communication across the Straits of Northumberland through the winter season, but we overcame the difficulty there. They say Port Churchill is frozen up in October. Now I believe it can be kept open for about half the year. I thank my hon. friend from Niagara for bringing the subject before the House.

Hon. Mr. FERGUSON (Niagara)—In order that new members might not make a mistake, I would suggest that these subjects which, for the last forty years, have been discussed before the House, should be posted up somewhere, because the suggestion is that we should not speak on any subject which any senator heretofore for the last forty years has spoken about. I think that some such notice should be put up. You must remember that the public have forgotten that discussion. The hon. gentleman has the Debates under his hand from day to day, and 99 per cent of the people of the country have not that advantage, and the only way we can get it before the people is to bring it before the House and before the press of the country. But I will try to avoid this trouble again, and will consult hon. gentlemen as to any subject which has been discussed for the last half century in order that I may not trespass on their tender feelings.

The Senate adjourned at 5.45 p.m.

---

## THE SENATE.

*Ottawa, Thursday, April 12th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BILLS INTRODUCED.

Bill (K) "An Act to incorporate the Canadian Mutual Life Insurance Association."—(Mr. Cochrane.)

Bill (L) "An Act to again revive and further amend the Act to incorporate the Red Deer Valley Railway and Coal Company."—(Mr. Lougheed.)

Bill (M) "An Act for the relief of Joshua Nicholas Filman."—(Mr. Clemow.)

Bill (N) "An Act to incorporate the Wolseley and Fort Qu'Appelle Railway Company."—(Mr. Perley.)

Bill (O) "An Act for the relief of William Samuel Piper."—(Mr. Clemow.)

Bill (P) "An Act for the relief of Joseph Thompson."—(Mr. Clemow.)

## THE DILLON DIVORCE BILL.

REPORT OF THE COMMITTEE.

Hon Mr. GOWAN, from the Divorce Committee, presented their report on the Dillon Divorce Case. He said: All the rules have been strictly complied with in this case and the respondent was personally served. I therefore move that the report be adopted.

Hon. Mr. POWER—I should like to have this report left over until to-morrow.

Hon. Mr. GOWAN—I have no objection.

Hon. Mr. KAULBACH—When all the rules have been complied with it is seldom that an objection has been raised to the adoption of a report. I can see no reason why the adoption of this report should be delayed.

Hon. Mr. POWER—The report can only be adopted to-day by unanimous consent and if the hon. gentleman does not wish to comply with my request, I shall simply have to object to the adoption of the report to-day.

Hon. Mr. GOWAN—There is no question whatever about the due publication of the notice, and the service was personal. Of course, if my hon. friend has any particular reason for wishing to have the report stand until to-morrow, it does not lie with me to object. Personally I have no objection to the report being deferred until to-morrow.

The report was allowed to stand.

## SPEAKER OF THE SENATE BILL.

FIRST READING.

Hon. Mr. ANGERS introduced Bill (Q) "An Act respecting the Speaker of the Senate." He said: This bill was introduced last year, and some discussion took place upon it in this House. It was adopted here and went down to the House of Commons at a late stage of the session. It was dropped at the close of the session, and it has become necessary to introduce it again in this House. It is exactly the same bill that was before us last session, except that there is a fourth clause added:

> This Act shall not come into force until Her Majesty's pleasure thereon has been signified by proclamation in the *Canada Gazette*.

This clause is put in out of deference to the members of this House, who raised the constitutional question whether we had the power of introducing such legislation, or should go to England and ask for an amendment to the Act of 1867. This clause, if the bill is accepted by this House and the House of Commons, will evoke in England the opinion of the law officers of the Crown, and consequently they will have to decide the constitutional question. If their judgment should be opposed to the opinion of the majority of this House, it would then be in order to petition the Imperial Parliament for the necessary amendment to the British North America Act to empower this House to elect a Speaker under the circumstances mentioned in the bill.

The motion was agreed to and the bill was read the first time.

The Senate adjourned at 4.30 p.m.

---

## THE SENATE.

*Ottawa, Friday, April 13th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE MANITOBA AND NORTH-WESTERN RAILWAY COMPANY'S BILL.

PETITION PRESENTED.

Hon. Mr. READ (Quinté), presented the petition of Walter Barwick, for leave to pre-

sent a petition for a bill relating to the Manitoba and North-western Railway Co.

Hon. Mr. MILLER—It is undoubtedly the rule, where an ordinary petition is presented for a private bill, that that petition goes as a matter of course to the Standing Orders Committee, but I am rather inclined to doubt whether a petition for leave to present a petition (which is not an ordinary one but a privilege asked from the House) should not by motion go to that committee. Having turned the matter over in my mind since a petition of this sort was presented to the House during the present session, I am rather inclined to think that in the case of a petition for leave to present a petition (which is something out of the usual order, being a special motion not provided for by the rules of the House) a motion to refer that petition to the Committee on Standing Orders would be the proper course. I think it would be wise if the House should understand that that would be the course pursued in similar cases.

Hon. Mr. READ (Quinté)—Then I beg leave to move that the petition of Walter Barwick be referred to the Committee on Standing Orders.

The motion was agreed to.

Hon. Mr. READ (Quinté) moved that the petition be read.

Hon. Mr. MILLER—You cannot do that; it has to go to the Committee on Standing Orders. There is no other course open.

## COBOURG, NORTHUMBERLAND AND PACIFIC RAILWAY CO.'S BILL.

Hon. Mr. READ (Quinté) presented the petition of the Cobourg, Northumberland and Pacific Railway Company, praying for the passing of an Act.

Hon. Mr. MILLER—The time has expired—I think on the 5th April—and the petition cannot be received. I would suggest to my hon. friend that where a petition has not been presented within the time limited by the rules of the House, there is another course for him to pursue. If the bill is presented in the House of Commons and it comes here before the second reading, after the first reading and before the second it can be referred to the Committee on Standing Orders as a petition to be reported upon by that committee. That course will save a good deal of trouble and it is provided for by the rules of the House.

## THE INSOLVENCY ACT.

### ORDER DISCHARGED.

The Notice of Motion being read:

That after the second reading of Bill (C) intituled: "An Act respecting Insolvency," he will move that the said bill be referred to a Joint Committee to be composed of equal numbers of senators and members of the House of Commons, and that on the part of the Senate the members of such committee be the Honourable Messieurs Allan, Bolduc, Bowell, Dickey, Drummond, Desjardins, Ferguson (P.E.I.), Gowan, Kaulbach, Landry, Lougheed, McClelan, Macdonald (B.C.), Pelletier, Power, Sanford and Scott.

That a message be sent to the House of Commons requesting that House to unite with the Senate in the formation of a Joint Committee of both Houses to examine and report upon the Bill (C) of the Senate, intituled: "An Act respecting Insolvency," and informing that House that the Honourable Messieurs Allan, Bolduc, Bowell, Dickey, Drummond, Desjardins, Ferguson (P.E.I), Gowan, Kaulbach, Landry, Lougheed, McClelan, Macdonald (B.C.), Pelletier, Power, Sanford and Scott, will act on behalf of the Senate as members of the said Joint Committee, should the House of Commons agree to its creation.

Hon. Mr. BOWELL said: After consultation with a number of members of this House and also with the Premier, I have come to the conclusion that probably it would be better to leave the Insolvency Bill to a large committee of the Senate exclusively. We shall then be able to meet as often as necessary in one of the large committee rooms and receive the different deputations that may come to Ottawa for the purpose of expressing their views upon the measure. I know that there will be a number of bankers and representatives of boards of trade and commercial men, who, I have no doubt, would like to place their views before the committee. I have received several letters since the introduction of the bill, in which the writers express a desire to interview myself personally. I shall take the liberty, after the second reading, to move the appointment of a committee, consisting of members of this House who are largely connected with the mercantile, banking and farming interests of

the country, in addition to those mentioned in the notice of motion.

The notice was dropped.

## THE BEHRING SEA QUESTION.

AN EXPLANTION.

Hon. Mr. BOWELL—Before the Orders of the Day are called, I desire to direct attention to a cablegram which appeared in the newspapers this morning, in reference to the subject brought under the notice of the Senate by the hon. member from New Westminster the other day, in which he asked what the Government had done with reference to a claim which was supposed to have been made, and which a member of the Imperial Government was reported to have said had not been made. I do this more particularly to show the unsafety—perhaps I had better say impropriety—of calling the attention of either House of Parliament to cablegrams affecting almost any important subject, knowing as we do that they are nearly all filtered through the United States telegraph offices. You will remember that the question was asked here whether the statement that was reported in the press was true, that the Government had made no claim for losses sustained by those who had been engaged in the Behring Sea Seal Fisheries. The cable published this morning is as follows :

Mr. Hanbury asked if Mr. Buxton had seen the speech of the Canadian Minister of Commerce in the Dominion Senate, declaring that a large portion of Mr. Buxton's statement in the House of Commons that Canada had given an unconditional assent to an agreement that Canadian sealers should not ask for compensation was not strictly correct.

Mr. Buxton said he had seen the speech, but the statements made therein were doubtless due to the fact that he (Buxton) had been misrepresented. He had never said that Canada had not asked for compensation.

I should not have taken the trouble of calling the attention of the House to this matter, were it not that the question which was put by the hon. member for New Westminster and my reply are on the records of the Senate. You will see that Mr. Buxton says he never made any such statement as that which was attributed to him.

## BILLS INTRODUCED.

Bill (R) "An Act respecting the Wood Mountain and Qu'Appelle Railway Company."—(Mr. Bernier.)

Bill (T) "An Act for the relief of James St. George Dillon."—(Mr. Ogilvie.)

## MONTREAL HARBOUR COMMISSIONERS BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (S) "An Act amending and consolidating the Acts relating to the Harbour Commissioners of Montreal." He said : I shall not detain the House by entering into any explanation now. That can better be done on the second reading and when the bill goes before the committee. I might, however, mention the fact that it repeals about thirty-three Acts that now stand on the Statute-book regulating the harbour of Montreal. The bill that I have introduced is to consolidate the whole of these Acts into one, or such portions of them as may be necessary to enable the Harbour Commissioners to perform their work and duty easier and with more expedition than they do at present.

The bill was read the first time.

## ROCKY MOUNTAIN RAILWAY AND COAL COMPANY'S BILL.

WITHDRAWN.

The Order of the Day being called,

Second reading Bill (H) "An Act to amend the Act to incorporate the Rocky Mountain Railway and Coal Company."—(Hon. Mr. Lougheed.)

Hon. Mr. LOUGHEED said : As this bill has been introduced in the other House, I move that the Order of the Day be discharged.

Hon. Mr. MILLER—I presume the object of my hon. friend is to get rid of the bill in this House ; he should therefore ask for leave to withdraw the measure.

Hon. Mr. LOUGHEED—With the consent of the House, I will put it in that shape.

The bill was withdrawn.

The Senate adjourned at 4.40 p.m.

## THE SENATE.

*Ottawa, Monday, April 16th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## INSOLVENCY BILL.

NOTICE OF MOTION.

Hon. Mr. BOWELL gave notice that when Bill (C) "An Act respecting Insolvency" has been read the second time he will move that the said bill be referred to a Select Committee, to consider and report thereon, and that the said Select Committee be composed of the following senators :—

The Honourable Messieurs Allan, Angers, Bernier, Bolduc, Bowell, Clemow, Desjardins, Dickey, Drummond, Ferguson (Niagara), Ferguson (P.E.I.)., Gowan, Kaulbach, Landry, Lewin, Lougheed, Macdonald (B.C.) MacInnes (Burlington), McClelan, Miller, Pelletier, Power, Read (Quinté), Sanford and Scott.

He said : I have selected this committee of twenty-five senators, but I may state that I am not wedded to any particular number, and after consideration of these names, if the Senate thinks there are any other members who have a knowledge of the subject whose names have been overlooked and should be added to it, I shall only be too glad to accept the suggestion.

## HARBOUR OF PICTOU BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (F), "An Act to further amend the Acts respecting the Harbour of Pictou in Nova Scotia." He said : This is simply to vest the wharf in Pictou Harbour in the commissioners of that harbour. It has been in their possession since it was constructed, but some doubt has arisen as to certain rights which the Harbour Commissioners have, and this is simply to remove whatever doubt may exist.

The motion was agreed to



## RED DEER VALLEY RAILWAY AND COAL COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (L) "An Act to again revive and further amend the Act to incorporate the Red Deer Valley Railway and Coal Company." He said : The object of the bill is to revive the company and to extend the time for the completion of the road. A considerable portion of the road has been constructed and the time has expired for the completion of a certain section of it ; the object is to have an extension of time.

The motion was agreed to.

## HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND READING POSTPONED.

The Order of the Day being called,

Second reading (Bill S) "An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal,"

Hon. Mr. BOWELL said : This bill, as I explained before, is a consolidation of all the measures that have been passed, some 33 in number, regulating the harbour of Montreal, and it has met the approval of the harbour commissioners. The amendments are for the purpose of giving certain powers to the harbour commissioners which they have not possessed in the past and make provision for filling vacancies, for the resignation of commissioners, fixing the time at which the commissioners shall be appointed by the Government, extending and regulating the limit of the harbour, giving certain powers to the commissioners to remove vessels or what may be termed movable property, and a variety of minor powers of that kind which are important in their character so far as the management of the harbour is concerned. If the House has no objection on the ground that the bill has not been printed in French, I would move the second reading, on the understanding that I will not ask the House to consider the bill in Committee of the Whole until it is printed in both languages.

Hon. Mr. DEBOUCHERVILLE—It is a very important bill, and I think we should

not proceed with the second reading until we have it before us. We should not risk losing our reputation for exercising great care in examining into the details of all bills submitted to us.

Hon. Mr. POWER—I have no particular objection to the second reading, because the second reading is simply endorsing the principle of a bill and there is not any principle to be endorsed here, as it is simply a re-enactment of existing statutes with some slight alterations, but members prefer to have a bill before them when they are asked to sanction the second reading. I rise for the purpose of directing the attention of the leader of the House to the unsatisfactory way in which the printing of the Senate is conducted now. I hope he will use some efforts to see that we are better treated in the future. A great many members of this House felt when the power of dealing with the printing was taken away from the Senate that we were making a mistake, and that it was a pity we should have handed over to the Bureau our powers of dealing with our own printing. The results prove that those who were opposed to the change were right. If things do not improve, the Government might take into consideration the advisability of going back, so far as parliamentary printing is concerned, to the old system.

Hon. Mr. BOWELL—In deference to the opinion expressed by the hon. member opposite, I move that the order be discharged and that the bill be read the second time on Thursday, by which time I trust it will be printed and circulated in both languages. I will make inquiry as to the cause of the delay in the printing.

The motion was agreed to.

## PUBLIC HARBOURS BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (U) "An Act respecting public harbours." He said: The object of this bill is to give the Governor in Council power to define limits of public harbours, to extend the limits of existing harbours and to give the Governor in Council the usual power of making the necessary rules and regulations. At present the Harbour Masters' Act, chap. 80, Revised Statutes, provides the Governor in Council with the machinery, by the appointment of a harbour master, to regulate all ports and harbours which may be from time to time proclaimed; but the Act does not, as will be seen by section 3, apply to the following ports:—Quebec, Montreal, Three Rivers, Toronto, Halifax, Pictou, St. John, N.B., all these ports being governed by the provisions of special Acts passed either before or after confederation. Difficulties have arisen at the port of St. John, N.B.. which was created and its limits defined by royal letters patent dated August, 1819. In this patent the city council was given control over the harbour. Then by an Act passed in 1824 (4th George, chap. 24) power was given to the city council to regulate the throwing of ballast and rubbish in the roadstead. Regulations were made taking charge of the harbour for three miles beyond the limits of the city, but great complaint is now being made that the harbour still further out into the bay is being filled up by vessels depositing ballast, rubbish, etc., and there is no way at present to prevent this being done. The harbour of St. John is now governed under section 45, Victoria, chap. 51, by harbour commissioners appointed under that Act, but they have no specific power to do what is now proposed—that is the preventing of the filling up by the deposit of ballast and other materials in certain portions of the harbour. What is proposed by the bill is to extend the limits of the harbour seaward to such a distance that there will be no possibility of injuriously affecting navigation in the manner complained of. Under the terms of this bill the management of the harbour, as extended, will remain as at present. I may add that the "Harbour Masters' Act" does not specifically give the Governor in Council power to define the limits of harbours and ports, a defect which this bill is intended to remedy.

The motion was agreed to, and the bill was read the first time.

The Senate adjourned at 3.40 p.m.

## THE SENATE.

*Ottawa, Tuesday, April 17th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## NEW SENATOR.

The Hon. K. F. BURNS, of Bathurst, New Brunswick, was introduced and took his seat.

## BILLS INTRODUCED.

Bill (29) "An Act to again revive and further amend the Act incorporating the Lindsay, Bobcaygeon and Pontypool Railway Co."—(Mr. Dobson.)

Bill (25) "An Act respecting the Canada and Michigan Tunnel Co."—(Mr. MacInnes, Burlington.)

Bill (20) "An Act respecting the Wood Mountain and Qu'Appelle Railway Co."—(Mr. Bernier.)

Hon. Mr. MILLER—I would call attention to the fact that a bill of the same name and similar in character to this last one is before the Senate and on the Orders for the second reading to-day. Strictly speaking, leave should have been asked to withdraw the bill introduced here before the introduction of the other one from the House of Commons. When we come to the item on the Order Paper, the hon. gentleman from St. Boniface should ask to have it discharged.

## THE INSOLVENCY BILL.

### SECOND READING.

The Order of the Day being called,

Second reading Bill (C) "An Act respecting Insolvency,"

Hon. Mr. BOWELL said : Of course, it will be with the permission of the House that I move the second reading of this bill, as it has not even been translated into French and certainly not printed in that language. My colleague tells me, after inquiry, that it will be four or five days before the bill can be translated and it will take some further time before it can be printed in the French language. If, however, it is not objected to, I will move the second reading now and appoint the special committee of which I gave notice, for its consideration and then by that time I am in hopes that the French edition will be ready. While on this subject I might also mention that I dropped a note to the Secretary of State in reference to the complaint made yesterday of the delay in the printing for the Senate, particularly the Senate bills, and I learned from the Queen's Printer this morning that though the bill affecting the Harbour of Montreal which was introduced by me some days ago, appeared upon the Order Paper as having been printed in English, the copy of it had not yet reached the printing office. There must be culpable delay somewhere. I hope the Contingent Accounts Committee will take this matter in hand and try to remedy these defects if possible. I may also intimate that the corps of translators, as I understand, is very weak in this House and it will be for the committee to decide to-morrow whether it would not be advisable to employ two or three additional translators temporarily until at least they catch up with the work of the Senate. Whether it is because we have had more bills and of a more important character this session than formerly, I do not know, but it is quite evident that no provision has been made in the past for the rapid translation and preparation of bills to be considered in the Senate. I throw out these hints with the hope that the committee will take them up to-morrow. With the consent of the House I shall move the second reading of the bill and the debate can then take place. The House will remember, when I introduced this measure, I entered very fully into its provisions, comparing it with the English Act, and also with the old Canadian Act, and therefore I do not deem it necessary at the present moment to enter at length into them again. I therefore move the second reading of the bill.

Hon. Mr. SCOTT—There is no subject probably that could be brought before Parliament on which we can legislate, that would create a wider or more divergent opinion than the wisdom and propriety of an Insolvent Act. It seems to be an incident in all commercial countries that from time to time Insolvency Acts must be introduced, or, as they are commonly known in

other countries, bankruptcy laws. They arise naturally from the tendency of modern times more particularly, to overtrade and to take the chances of getting rich in a hurry, departing from the early methods of trade. The leading feature of the bill now under consideration of the House is that in reference to the distinction between the classes of people affected by it; and in the distinction which is laid down in the bill. It departs from the principle that was recognized as a wise feature in the Act of 1869, and it also differs from the English Act. It differs from the Act of 1869 and the improved Act of 1875, inasmuch as it first makes provision for all traders going into insolvency,—"All persons who are engaged in any kind of business." Then, it lays down the principle that persons outside of that, a large class, embracing practically everybody else, but specially defined in the Act as "farmers, graziers and debtors." This word "debtor" means every other person, no doubt. The Act of 1875 specially excluded farmers, graziers, labourers and workmen. This Act takes in all classes. It is quite true that they cannot be placed in insolvency; they cannot be forced into it, but they have the option of entering the insolvent court. That is really the crucial point, whether it is wise and prudent to enable persons who have no right to take any chances in business, who are not called upon to give credit, who are practically masters of their own calling, of their own trade, to enable them to enter into speculative deals, with the hope of afterwards having their liabilities wiped off through the insolvency court. I think that is the question which is really the most important one for us to consider. The details of the bill are not so necessary for us to consider as that important question, because the details of the bill, as I believe from a partial and hasty reading of it, are very fairly carried out, if the principles laid down are considered wise and proper. In England it is quite true that every one may become bankrupt, but the conditions under which they may become bankrupt there are different from the conditions under which non-traders are permitted to become insolvents or bankrupts here. A person in England who comes under the definition of "non-trader," as laid down in this bill, can be made to equally distribute his estate if he becomes unable to pay all his creditors in full. Any dishonest act or any fraudulent preference on his part renders him liable to be forced into the bankruptcy court. Now, there is that element that is lacking in the present bill, so far as my reading of it goes; that a person who is simply a debtor, farmer, grazier or a non-trader, may give a preference to the creditor and yet is not liable to be forced into insolvency under this bill. That seems to be the crucial test, and one, of course, that will have to be considered by the House as the important one for consideration. If farmers, graziers and ordinary individuals, gentlemen living on their income, who choose to go into a speculation with the hope of making some money, fail in the speculation and lose their money, they can go into insolvency or not as they please. If we give that class of persons the facilities of going into the insolvent court, it is a question whether it would not be wise and prudent to adopt the English principle and enable a creditor to force them into insolvency; because we know very well there is just that tendency of persons who are not business men, who do not propose to go into business, who have speculated improperly, bought simply with the object of making money, not in a legitimate way, and find a failure has followed, to give a preference to the individual without, at the same time, rendering themselves liable to be forced into the court, or compelled to divide up their estate equally between all the creditors. If it is decided to include in the provisions of the Act those who are known as debtors and non-traders, farmers, graziers, and ordinary individuals, outside the commercial classes, I think it would be better to adopt the English principle, as I have explained it. Of course, it may be urged that where it can be shown to be absolutely fraudulent, the courts may set an assignment of that kind aside, but it is very well known that it is sometimes very difficult to have those assignments set aside. It may appear—it often does appear—that the party who was favoured was not aware that the person making the assignment was really in insolvent circumstances. It may all be done designedly and the fact may be protected and covered up by straining the truth, and, therefore, I think it is a matter of very grave consideration for us to now decide—because that is a part of the principle of this bill—whether it is really wise and prudent to make it optional only with that class of

persons who do not properly come within the Insolvent Act, or who have the option of taking advantage of it if they so please, because I can quite see where a considerable amount of injury may arise to innocent parties, by allowing an individual who is not a trader to practically make a choice among his creditors, and give that particular favoured creditor the whole, or a larger slice of the estate than is justifiable under the conditions of his ability to pay his creditors. The Act of 1875, as I said before, specially excludes that class. The words in that Act were "farmers, graziers, labourers and workmen are not to be included." Now, we know very well that there is a very large class of people who are dependent upon salaries, who run into debt and make a failure. They are sued and brought before the court and ordered to pay so much a month. Under that bill that class of persons could come into court and apply for relief. If it appears that they have been living beyond their means and their inability to pay their debts is due to extravagance, the court may refuse to grant a discharge, but we all must have noticed that after a time sympathy is excited and discharges are granted. That was the result of the Act of 1869. Very often it was found that business had been so carried on that a party was not entitled to any consideration, and they refused to give a discharge. After a year or two the court softened, and finally a discharge was obtained. Now, what I fear is, that the facilities for obtaining a discharge under this bill are such that it may prompt a very considerable number of persons to go into rash speculations, knowing that they may get a discharge. At present there is a class of persons who know very well if they risk their money or the money belonging to other people—generally borrowed money—that they are for ever after liable for it, that they have no way except with the consent of the particular creditor who lent the money, of getting relief or getting any discharge; and therefore they are checked and cautioned in any business transaction they may undertake. That is really the crucial point that we ought to consider in this particular bill. The Act of 1869 was, as hon. gentlemen are aware, made law after a good deal of opposition. A very considerable number of members in both Houses believed it was not wise or prudent to place on the Statute-book an Act of that kind. In 1875 the law was amended, and in 1880 it was repealed. After 1880 the business of the country for several years up to 1887 or 1888, at all events was considered fair and the number of insolvents and people who applied for relief in the courts of the various provinces was small, because in all the provinces there are Acts—I may speak more particularly of Ontario and Quebec—under which a somewhat equal distribution of an estate may be made, in Quebec through the sheriff, and in the province of Ontario under the legislation authorizing assignments for the benefit of creditors; but in the last two years, business owing to causes probably that prevail to a greater extent outside of Canada, than within Canada, the number of insolvents and persons seeking relief from the pressure of debts they are unable to pay has very largely increased. I noticed that last week the number, according to Bradstreet's returns, was 32 as compared with 22 of the corresponding period a year ago, and I noticed in the last *Ontario Gazette* that there are no less than nine different cases where either a meeting of creditors was being called, or notices by assignees that meetings would be held, showing that there is a very considerable necessity for some law that will fairly and equally distribute the estate of a person that is unable to pay his debts. There is no doubt about that, and it might be and I think probably is wise, that we should have a law of this kind, at all events for a limited period. The only question is whether this bill does not go too far —whether it would not be more prudent to adhere to the Act of 1875, or, if we do adopt the wider range that is given in this measure of allowing all persons practically to avail themselves of the provisions of it, whether we should couple with that the facilities that creditors would have to force such persons into the court and declare them bankrupt. There would be this advantage about it, that in England there are so many decisions in the courts, and the experience gathered there is so large, that it would be of very considerable value in the interpretation of our own Act, if we followed their lines in that particular branch of the Insolvency Act, then I should think we ought to go further and introduce these clauses which apppear in the British Act that enables the creditor, or the creditors of a person who is a non-trader, to force that person into insolvency, in order that the

estate may be divided among the creditors.

Hon. Mr. DICKEY—No fault can be found with the manner and the moderate tone in which this bill was introduced a fortnight ago, befitting the Minister who brought forward such an important matter affecting the interests of the country. Having been in charge of the bill of 1880 which repealed the insolvency law at that time, it may be expected that I should make a few observations on this measure by which it is now proposed to have a third insolvency law placed upon the Statute-books. In doing so, I certainly have no intention of imitating the example of my hon. friend from Ottawa and discussing this bill at large, because I have understood that the very object of referring the bill to a special committee was to get all the information that we could possibly obtain bearing upon this question before entering upon such a discussion. It would be inconsistent for me, from the course which I propose to take on my own part, to enter upon a discussion at large at the present stage of the measure. In the very lucid exposition which we had from the Minister of Trade and Commerce at the first reading of this bill, the history of insolvency legislation in this country was very clearly set forth. We were told that the first Act had a life of some five or six years and the second a life of another five years, so that in the 27 years of the history of this Dominion we have had 16 or 17 years without any insolvency law, and 10 or 11 years with legislation of this description on the Statute-book. In the year 1879, less than four years after the Act of 1875 had come into operation, a bill was passed in the House of Commons by a large majority for the purpose of repealing that Act. It was opposed by the Government, and it was defeated ultimately by the narrow majority of four. It was again introduced in the year 1880 and on that occasion, to which I wish particularly to call the attention of the House, the repeal bill was carried by the very decided majority of 47 to 17. That result was largely due to the course taken by the then leader of this House, the late Sir Alexander Campbell. In 1880 he explained why he had not in 1879 consented to the passing of the bill repealing the Act, and his chief reason was this, that the Act had been pressed on, he thought, at a very inopportune moment. He said that if we had passed it in 1879, we should have given no opportunity to the various provinces to supply the blank thus left in the insolvency legislation, and that he though it better to let it stand for another year, but, he added, in the meantime he had put himself in communication with the members of the Ontario ministry and the result was that they enacted legislation to supply the void in the province of Ontario thus enabling him to vote for the repeal of the Dominion law altogether. That was the reason why, within twelve months after the first division the Act was repealed by such a decided majority. It is a curious coincidence that we are in an almost analogous position at the present moment to that which was occupied then by Sir Alex. Campbell, and which induced him to consent to the repeal of the Act. Recently a decision has been rendered by the Judicial Committee of the Privy Council which has settled once for all the legality of the legislation passed in Ontario. We were promised that we should have access to that decision, but as yet, so far as I know, we have had no official copy of it. We have had the explanations of the hon. member who introduced this bill and my hon. friend the leader of the Opposition, and we know that the decision was of a satisfactory character as far as it went, and the reason why we should have access to it obviously is that we should know how far the local legislatures of the different provinces who have not yet legislated on the subject are justified in providing a substitute for this legislation which is submitted for our consideration here. If the position taken by the late Minister of Justice, Sir Alexander Campbell, was correct, we obviously on the present occasion should take the same course and have this matter understood thoroughly, in the first place as to our powers (and we can only ascertain that by having access to the recent decision of the Judicial Committee of the Privy Council) and in the next place we should then see whether an opportunity should not be given, as he suggested it should be given at all events for 12 months, to the different legislatures to legislate on the subject so far as they can, especially in regard to the difficult subject of preferential assignments. That is one of the reasons given here on a former occasion, and I cite this as a precedent for the guidance of the Government at the present day. I may be

told that the country will have an opportunity of inquiring into that, but I submit that it is vain to talk of the country having access to this bill and deciding whether it should pass or not—it is in vain to say so, because I myself having tried my best to get a few copies to distribute and have been unable to procure even one copy, since the introduction of this measure. That is the position of the matter and if I am asked what course I intend personally to pursue, I say this—I have not come here for the purpose of making any factious opposition to this measure or any other measure. I have no objection to this bill being read the second time with the understanding that all members are free to take any course they choose at its future stages. That is, I find, in accord with the general sentiment of the House, and it renders it unnecessary, if I may be allowed to say so (at all events for me), to enter upon a full discussion of the principle of the bill, because as yet we do not know in what shape exactly the measure will be ultimately presented to us. It is going out of our hands into the hands of a committee and there is a certain degree of consistency in the course that has been taken, for this reason—ever since this bill has been printed it has all the time been in a shifting, changing attitude. We were told on a former occasion that great benefit had been derived from the suggestions of the Ottawa Board of Trade. Those suggestions are embodied in certain clauses of the bill, and the bill with those clauses has been reprinted. That is a step arising from paying deference to the wish of other people to be consulted on the principle of the bill. We have not only done that—we have taken another step. The Minister of Trade and Commerce has put the same view on record with regard to this matter, and I do not find that view at all inconsistent with the position I take on the subject. I do not propose to offer any opposition to the appointment of a committee to consider this bill. By referring it to a committee, we shall be making some progress and doing something to lighten the labour of legislation hereafter upon this question. What I do intend to urge most strongly upon the Government is, that no bill of this kind can be expected to be successfully worked unless it has received fair consideration from all the people who are interested in it. I am justified in that view by my hon. friend who introduced this bill. He told us that:

> It would be well to defer the second reading for some eight or ten days at least, in order that the bill may be printed and circulated, and members of the Senate and merchants of the country who are interested, and the traders and debtors who are equally interested with the creditors, may have an opportunity of seeing and reading it, and making such suggestions as they may deem proper under the circumstances.

Now, that is a principle worthy of the Minister who laid it down, and it is the principle on which this important bill (for it is a vital measure) should be treated. I think especially those persons who are interested in it should not have it in their power to say "this bill has been thrown before us as a surprise, and we have had no opportunity of being consulted, and it is hasty legislation." The Dominion of Canada, having been left for the long period of fourteen years without this legislation and without a suggestion of legislation of this kind, can hardly suffer very much from this bill being left over for another year in order that the country may have an opportunity of being consulted about it. That is a proposition which will hardly be combatted. At the same time, if the Government and the House think that it should go before a committee, I am perfectly willing to go and do my share of the work and help the bill on as far as we can, but it would be a great misfortune to all parties, and a misfortune to this House, if we were to originate and press forward and pass a bill without the persons concerned having an opportunity of being consulted on the subject and at the same time it might perhaps be defeated in another place. That may be a selfish and narrow view of the subject, but, at the same time, it is one that ought to occur to every one who has the honour and reputation of this House at heart. On that ground I hope the Minister will consider the question hereafter. Of course he will be guided by circumstances, and I must leave it in the hands of the Government to take whatever course they think best on the subject after due consideration, but I do think that we ought all of us to be guided in this matter very much as the late Minister of Justice, Sir Alexander Campbell, was, and act only in accordance with the well understood wishes of the people. The Minister and the Government should be perfectly satisfied in following this precedent set by Sir Alexander Campbell. They should do it for that reason, and for this other reason that the local legislatures in the provinces who have not yet

legislated on insolvency, should have the same opportunity that was given to Ontario to legislate upon the question, and then we might perhaps have a measure that would commend itself to the good sense of this House. If we are to have a well considered measure, one which is to commend itself to the good feeling of this House, it should be one which has been submitted to those interested and which has not been decided upon *ex parte* views on the side of the people interested here, but that it should go over the wide extent of this Dominion and that every one interested should have an opportunity of expressing his views upon it. When we come to look at the catalogue of people interested in the list mentioned by my hon. friend from Ottawa, you will find that this legislation affects directly or indirectly every man throughout the wide borders of this Dominion. The hon. Minister, I am sure, will give me credit for the motive by which I am influenced of not desiring to obstruct this measure in any way, yet I hope he will see the necessity of taking the course which his predecessor did and giving the provinces an opportunity to legislate upon the subject and perhaps save us all the necessity of legislating upon it here, because after all, so far as I can understand the feeling of the country, it is this—a feeling of distrust and opposition to bankruptcy legislation so called. But on the other hand there is a feeling, perhaps not so strong, in favour of legislating against preferential assignments which have made such a disturbance. If he takes that course and approaches the question in the way I have suggested, I hope the House will be spared the necessity of considering this question again—at all events for another term of fourteen years. As we have a precedent and as the country has gone on increasing in progress and prosperity during the whole of the time we have been without an insolvency law, it will be for the House to decide, each one for himself, whether he will take the responsibility of pressing this measure before the country has been consulted and expressed its approval of the proposed legislation.

Hon. Mr. McCLELAN—The hon. gentleman speaks about the decision of the Privy Council relating to the prerogative of the local legislatures, which I take it applies to all the legislatures. Would the hon. gentleman favour the House with the scope of that decision?

Hon. Mr. DICKEY—I am afraid I cannot. I must give the same answer to that question that the Minister gave the other day—I can only speak from what I saw in the papers. My impression from what I read is that it goes the length of enabling these provinces to legislate on this crucial question of preferential and fraudulent assignments and the fair distribution of the assets of insolvent estates.

Hon. Mr. BOWELL—I wrote to the Minister of Justice on the very point raised by the hon. gentleman from Albert, asking him if the Government had yet had an official copy.

Hon. Mr. GOWAN—I have it as reported and find in it no bar to the proposed legislation.

Hon. Mr. BOWELL—The Minister explained it in a note that it decides this point that the Provincial Governments have a right to pass laws for the distribution of the assets of judgment debtors in the absence of an Insolvency Act.

Hon. Mr. GOWAN—I desire to say a very few words in a general way on this important measure. A system of bankruptcy had no place in the early history of Western Canada. On the contrary, in the first Act passed by the first Parliament of Upper Canada, in adopting the laws of England as the rule of decision in all matters of controversy relative to property and civil rights, the laws relating to bankruptcy and the poor laws were specially excluded. The condition of the country, the small trade and the scattered population did not warrant anything of the kind and the spirit of the people was rather adverse to the adoption of a bankruptcy system. And so it continued for some fifty years in Ontario. As time passed on, and as commercial transactions expanded and the trade of the country largely increased, it was deemed necessary and just to pass a bankruptcy law in Western Canada, but it never quite took root with us. The laws were all of a temporary character. They were to continue for a certain period and were afterwards enlarged as occasion called for it. I think the first Act of the kind was passed in 1843.

It was found necessary to amend it, and it was so amended in 1846—these are points which my hon. friend the Minister has not touched—it was amended so as to extend it and to continue it for a longer period. Then came the Act of 1849 giving the bankruptcy law another lease of life and it was followed in 1855 by legislation continuing the law until 1856, when it ended. It cannot be said —and I have had some experience in the working of it—that any of these acts was entirely satisfactory. There were two principles to be considered and acted upon, two views to be taken with respect to the administration of a bankruptcy law; one view was to delegate the management and conduct of the estate largely to the court, the other that it should be largely in the hands of creditors. Neither view was fully carried out, and several Acts that were passed were unsatisfactory. One reason for this was that the laws provided for the appointment of an official assignee, and the official assignee had not always that business knowledge to enable him to conduct his business properly in the best interests of the estate.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. GOWAN—It was very often found that it was the cause of throwing the estate into bankruptcy to be eaten up. The creditors, unless the estate was large and a paying one, stood aside and very seldom interfered and the affair was run largely by the official assignees. They were perhaps somewhat over-desirous to better their means and they certainly made a good deal of money out of the estates that were placed in their hands. A difficulty was often experienced on account of the creditors standing aside and the official assignee acting largely as the representative of the debtor. There was always a difficulty in determining whether the debtor was entitled to a discharge, whether he had fully and fairly complied with all the requirements of the law and acted honestly; the official assignee gave very little aid to the court in determining that question, and the creditors did not feel, in many cases, sufficient interest in the matter to take any part in it. The hon. Minister has made a very clear explanation of the proposed Act, and also indicated wherein the measure before the House differs from previous Acts and all must find the advantage of his able exposition. With regard to Dominion legislation, I would merely say that in my experience the law of 1869 worked fairly well on the whole, but when it expired no one shed a tear, I think. The imperfect working of that Act was largely due to the carelessness of creditors, and possibly something to the greed of official assignees. At all events the bankruptcy system has remained dead for several years. Upon the principle of the bill—the policy of a bankrupt law for Canada—not without hesitation I have arrived at the conclusion that having regard to the present expanded condition of trade and commerce in this country, with the contigencies incident to commercial transactions on a large scale, the time has come when in the public interest the trading community are entitled to a bankruptcy law as a permanent necessity. The dealings of our business men with merchants of other countries have become enormous. Commerce and mercantile credit are easily affected and have delicate movements. Those who trust are sensitive, and naturally the outside creditor wants to know the aids and protections the law gives for the collection of debts and the punishment of fraudulent debtors in the country of his debtor, and to find it together in one general law for the whole country. Yes, I think the time has come to enact one general bankruptcy law for the whole Dominion. It is, however, not to be dealt with in a hasty or perfunctory manner. A bankruptcy system is not the simple thing that people suppose it to be. It bristles with difficulties, as all commercial nations have found. True the objects and principles of such a law are clear enough and may be comprehended in two points:—

1. The collection and distribution of an insolvent estate, in an economical and speedy manner amongst his creditors.

2. The discharge of the debtor from all liability, if he has acted fairly and has not been guilty of fraud or fraudulent concealment.

The difficulty lies in combining and regulating these two objects. Without at present entering into details, upon which I reserve myself for other occasions, looking at the bill before us in a general way, I think in the main it is the best measure of the kind I have seen and the most suited to Canada. The Government are entitled to credit for preparing it and taking the responsibility of introducing it. I do think it has been framed with a singleness of aim in the best interest of commerce and of the Canadian

poeple, and in this, as in all other matters, I have full confidence in the desire of the Government to act justly and in the best and highest interest of the Canadian people without fear, favour or affection. But it must be remembered, all the suggestions for the measure and its details come from one side only, the creditor—necessarily so, for few men are willing to contemplate the possibility of their becoming bankrupt, and that the debtor side has not been brought before the Government, we may conclude at least not fully. The importance, therefore, of a thorough examination of the measure is obvious, extending a full opportunity to all to be heard and particularly those who at any time or in any way were engaged in working under previous bankruptcy laws. I am glad, therefore, that my hon. friend and leader has recognized the duty of doing this, and I think in the best way, by the appointment of a large special committee for the purposes he has indicated. I will have satisfaction in voting for the second reading of the bill.

Hon. Mr. POWER—If no other hon. gentleman wishes to address the House, I shall say a few words on this measure. I concur with the hon. gentleman who has just resumed his seat in thinking that this bill contains the elements of a better measure than any of its predecessors since the time of confederation. The framers of this bill have had the experience of the workings of the previous insolvency laws, and they have had the benefit of suggestions from persons interested in insolvency legislation in different parts of the country. The course adopted by the Government, in sending copies of the bill into the different business centres, was a very wise one, and as the hon. gentleman from Amherst has said, the result has been that very considerable modifications have been made in the drafting of the bill, and, further, since the repeal of the Act of 1875, which took place in the session of 1880, there has been passed in England a bankruptcy law which is generally recognized, with the amendments made since its original adoption, as being decidedly better than any previous bankruptcy law which existed in the mother country, and the government here have had the benefit of the recent English legislation as an example. I am glad to know from the bill that they have followed the example of the mother country to a very considerable extent. I humbly submit that they might have followed that example still further with advantage; but while I agree with the hon. member from Barrie so far, I cannot say that I agree in his conclusions altogether. The Act of 1875 was repealed in 1880. There was some hesitation on the part of the Government in allowing the repeal. It was postponed from the session of 1879 to that of 1880; but I do not think that any hon. gentleman who voted for the repeal of the Act in 1880 has ever since seen any reason to regret his action. The general feeling throughout the country when that Act of 1875 was repealed was one of relief, and the question is whether anything has taken place since 1880 to render it desirable or necessary that we should undertake to a certain extent, to renew the condition of things which existed between 1869 and 1880. It does not strike me that anything has taken place; on the contrary, I think that one of the reasons why the country has not suffered perhaps as much from the recent commercial depression as some other countries, is just the fact that owing to the non-existence of any insolvency law business has been conducted in Canada during the past few years on very conservative lines. As things now stand, there being no general insolvency law, the creditor is very careful before giving credit to know the character of the man to whom he is asked to sell goods. He examines carefully, and he does not give credit further than he has good reason to believe is safe; and on the other hand the purchaser proposing to buy, is not likely to take more than he thinks he can pay for, as he feels that the result of his buying more than his business will justify will be to land him in insolvency, out of which he is very unlikely to come better off than he goes in, but that he will have to pay his debts in full or suffer severely. I do not think there is any such crisis in our commercial history as to render it necessary that we should depart from the existing mode of transacting business. I do not think that this is a time when we should encourage speculation. The conservative course which we have taken is the best and we had better continue in the line in which we have gone during the past few years. The hon. gentleman from Barrie, intimated that he thought the time had come for an Insolvent Act. Well, he did

not produce the evidence to show that it had. If commercial houses were going down like nine pins, in all the business centres of the country, the Government and Parliament might feel that some measure of this sort was necessary ; but there has never been any wholesale collapse of business houses ; and I do not think that there is any need for the adoption of a law such as this would be, if passed. The hon. gentleman referred to the general objects of insolvency laws, which he very truly stated were two : one, the equitable distribution of the estate of a debtor who is unable to meet all his liabilities ; the other, the discharge of the honest debtor, after his goods have been handed over to his creditors and distributed amongst them. Now, hon. gentlemen, under this decision of the Privy Council, which I have not had the good fortune to see, it appears that the provinces can legislate for the equal distribution of insolvent estates. I think that is the important thing, and as a rule if a debtor acts honestly ; and his goods are equitably distributed amongst his creditors, the creditors in this country, at any rate, are not disposed to be hard upon him. There are, of course, exceptional cases where creditors do deal harshly with their debtors, but these exceptional cases are not so numerous as to justify us, in imperilling the commercial condition of the country, to get rid of them. The one object will be met by the provincial legislation and the other object is not of any great practical consequence under present circumstances. Under the insolvent law, as it was operated before —whether it would be the case under this bill if it became law or not, I do not know—as a general thing the equitable distribution was a distribution between the assignees and the legal gentlemen who were employed in settling the estate. As a rule, the creditors did not get very much of a distribution ; and I am not at all clear, no matter how much pains we may devote to this measure which is now before us, that we shall be able to produce a measure which will have a very different result from that which we had before. There is another point of very considerable importance ; as far as I am aware, there has not been any wide-spread demand for this legislation. The country generally was resting in a state of perfect calm and content on the subject of an insolvency law. I think that 99 men out of 100 had not the slightest desire that such a law should be enacted.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. POWER—Some persons and some classes of persons, are anxious that there should be an insolvency law, but I do not think the great bulk of our population look for it. We have not had any large number of petitions placed upon our table, asking for the enactment of this law, and as the present condition of things has been on the whole fairly satisfactory, and has produced much less discontent than the insolvency legislation of former years led to, I do not think it is the duty of Parliament or the Government to introduce or at any rate to adopt legislation with respect to insolvency now. Of course there is not any serious objection to the line suggested by the hon. gentleman from Amherst ; it will be very useful exercise for the mental faculties of the members of this House to meet in this committee and to carefully consider this bill and suggest amendments to it, so that if this time of commercial stringency, which I hope is not in the immediate future, should arrive at some future day, we shall have a measure ready to introduce for the purpose of relieving the number of insolvents who will be anxious to take the benefit of an Act of that kind at that time. But, meanwhile, I hope that after the Government get the benefit of the wisdom of this House in connection with this bill, they will allow it to remain quiescent for an indefinite time.

Hon. Mr. LOUGHEED—My hon. friend from Halifax must surely have overlooked the representations which have proceeded from the leading boards of trade throughout the Dominion of Canada in regard to the necessity for the passage of an Insolvent Act at a very early date. My hon. friend from Halifax appears to be very uneasy in mind, by reason of no demand having been made by the public for this legislation. From my own limited observation upon this question, I find that all or most of the leading cities throughout the Dominion have demanded from this Parliament the passage of such legislation.

Hon. Mr. POWER—Halifax has not.

Hon. Mr. LOUGHEED—I would remind my hon. friend that the commercial interests of the Dominion are not entirely wrapped up in Halifax. There are other points throughout the Dominion which speak commercially as well as Halifax.

Hon. Mr. POWER—My hon. friend said all the leading commercial cities. I simply said, Halifax had not —that was all.

Hon. Mr. LOUGHEED—I was about to observe when my hon. friend intervened, that if he had closely examined the text of the recent decision of the Judicial Committee of the Privy Council, because I think very few have had the opportunity of seeing the judgment as fully reported, he would have observed from the text of that judgment, the necessity of an immediate action on the part of this Parliament in the passage of legislation of this character. That decision has gone so far as to intimate that the various provinces of the Dominion have the right to pass insolvency legislation in the absence of the passage of such legislation by the Dominion Parliament. This will lead to a diversity of legislation which will prove very serious to the commercial interests of Canada as a whole. It is unnecessary to point out to this House the necessity of having uniformity in legislation with regard to the protection of all commercial interests throughout this Dominion, particularly where those interests are of such a large and diversified class as we find in this country owing to geographical distances. At the present time we find the provinces in the far west legislating in regard to distribution of debtors' estates without the knowledge of those living as far east as the Atlantic and who may be equally interested in those estates. We have some legislatures of the provinces enacting legislation of a very restrictive character in which creditors are compelled to do within a limited time certain acts, otherwise they cannot participate in the distribution of those estates. The consequence is we have manufacturing houses near the Atlantic coast deeply interested in debtors' estates on the far Pacific and yet if they do not take a particular action within a limited time they are debarred from participating in those estates. Surely this is of considerable importance to the commercial world. Surely it is of importance that the commercial classes throughout the Dominion should have knowledge of the legislation which is on the Statute-books in regard to those interests in which they are particularly interested, so that those who are residing in one province will not be able to absorb the whole of the estate to the disadvantage of those who are interested in that same estate living at the other extremity of the Dominion ? I would point out to the hon. member from Halifax and other hon. members who are opposed to the passage of this legislation at the present time, that if legislation of this character is not immediately adopted we will have every province of the Dominion following out the intimation given by the Privy Council as to the power of the provinces under the British North America Act to pass insolvent legislation. Each province will become a law to itself in regard to this question, so that those residing distant from the debtor's estate would be entirely precluded from participating in it through want of knowledge of this diversified legislation. Therefore I say it is the duty of Parliament to see that uniform legislation respecting insolvent estates is placed on the Statute-book so that diverse views will not be held and enacted by the various legislatures throughout the Dominion. I think this is a question of the very greatest importance to us as legislators. Now, my hon. friend appears to be very apprehensive in case the estate should be swallowed up by assignees, and the legal gentlemen who surround the assignees whenever there is an estate t be distributed. I would remind my hono friend that under the present provincial .system the same difficulty confronts us. At the present time the power or authority is given under the statutes for the sheriff to take possession of the estate and to distribute amongst the creditors. Power is also given for receivers to be appointed and for legal fees to be contracted payable out of debtors' estates so that we have a repetition of this same difficulty being enacted at the present time in many of the provinces. Now surely it does not require one of very great discernment to immediately see that under a uniform system, safeguarded by legislation as it will be by this Parliament, those difficulties can be easily obviated which have been referred to by my hon. friend, and which are in existence to-day and asserting themselves fully as prominently under provincial legislation as under the old Insolvency Act of which mention has been made. I think the time has come, regard being had to the recent decision of the Judicial Committee of the Privy Council, when this legislation should be enacted.

Hon. Mr. McCLELAN—I feel very much towards this bill as my hon. friend

from Amherst does. It is placed before us in a somewhat exceptional attitude having been duly foreshadowed in the Speech from the Throne, it is therefore a Government measure, and yet it is to be submitted to a large committee for careful consideration. It is very important for us to know at this stage, whether in agreeing to the second reading of the bill we are absolutely committed, according to the general rule, to the principle of the measure. I take it to be understood, after the expression of my hon. friend from Amherst, which has not been dissented from, that we may go on and pass the second reading and after that discuss the details of the measure without being absolutely committed to its principle. The importance of a Bankruptcy Act seems to be acknowledged both in England and in this country, at times, but there seems to be a great deal less hesitation in getting rid of such laws than there is in the passage of them. That has been the case not only in Canada, but in the United States, where, if I mistake not, during the last 100 years or more they have had the advantage of a federal bankruptcy law only some 15 or 20 years altogether. I may say in reply to the hon. member from Calgary, who has just taken his seat, that if difficulties would spring up from giving provincial legislatures in this country the right to legislate upon matters of insolvency, how much greater would be those difficulties, according to his reasoning, throughout the United States, where the commercial interests are so much greater and more extended than ours? There, as I understand it, they have only had the advantage of a federal law for short periods of time, I think the result of two or three enactments during a whole century. The state laws there are sufficient to enable them to deal with insolvency in each particular state. Another thing occurs to me in connection with the legislation in the United States regarding insolvency, there has been a clamour there occasionally, as there has been here occasionally, for a general law, and very recently there has been a considerable agitation for such legislation. Two insolvency bills of different characteristics have been submitted to Congress. One which is call the Terry bill, is very highly commended by leading jurists all over the country and by a great many boards of trade as being an improvement upon the former Federal Insolvency Acts. That bill, so far as I remember, has an advantage over the measure submitted in this House for our consideration in so far as its brevity goes, and I think brevity is an important point. A long bill is apt to confuse the public, laymen at all events. It may be very useful for lawyers, but it is very desirable, in passing a general law regulating the commerce of the country, that it should be as simple and plain and as easily understood as possible, and without being too long in its provisions. The Terry bill, which is so highly spoken of in the United States, is all embraced in 70 sections, while the bill that is before us has nearly double that number. Of course the number of sections does not altogether indicate the length of a bill, but the Terry bill itself is not half the length of the measure which is now submitted for our consideration. I was very much interested in hearing from the hon. gentleman from Amherst that there had been a decision affecting the powers of the local legislature of Ontario, and of course provincial powers generally, because I differ somewhat from the view put forth by the hon. member from Calgary—I think that the difficulties that he pointed out of having different provincial legislation would not be so great as the advantages of having legislation adapted to the peculiar circumstances which may locally exist. For instance, in the east there may be circumstances connected with the trade of the country which might require a different enactment from legislation required on the Pacific coast. Therefore, I can see very considerable advantages that might be derived from allowing the local legislatures to exercise full jurisdiction in these matters. My observation with regard to insolvency practice in the province from which I come is that there is no real law bearing upon the subject. The course taken is by making an assignment. The objection taken to that course, so far as I have heard, is not serious. The estate is wound up very cheaply and the proceeds are divided among the creditors. The great complaint made about it is that the insolvent gives preferences, and those preferential creditors take perhaps all there is and some of the creditors, who are just as much entitled to a portion of the estate, are left without anything. There seems to have been heretofore no power in the local legislatures to prevent that system of fraud I may call it—because it is dishonest and immoral. If legislation could be devised by which any

effort at concealment, or anything which is intended to defraud the honest creditor could be prevented, the practice which exists now would seem, as far as my observation extends, to meet the case as well as a cumbrous Dominion bankruptcy law would. I am speaking more particularly of what I happen to know about the rural districts and villages in New Brunswick. The cities seem to clamour for a law. A good many of the boards of trade —not all of them—have passed resolutions favouring a bankruptcy law. I think some boards of trade in cities are opposed to such a law, but we most recollect that periodically the boards of trade of cities make a demand for a Bankruptcy Act. The singular feature of it is that they do not continue it. They have not the advantage of being stable. After two, or three or four years, generally by common consent, these laws are repealed. Now that is a very great evil. It would be very much better, if we are to have a bankruptcy law like this, to amend rather than repeal it. If it is really a desirable principle, that we should have a bankruptcy law on the Statute-book, certainly if any of its provisions should be found not to work as well as expected—because that is common to all laws—and public opinion justifies an amendment, it should not be necessary to repeal the law altogether. But that has not been the experience either in Canada or in the United States. I rose merely to set myself right with regard to this matter, and to say that while I am not particularly favourable to the passage of such an Act this year, yet if my hon. friend's view is a correct one, that we can consent to the passage of the second reading with a view to examining it more carefully and making it as perfect as possible, I am willing that the bill should be read the second time and referred to the committee.

Hon. Mr. KAULBACH—I do not agree with my hon. friend from Albert, that it is well that each province should have its local legislation with regard to the distribution of insolvents' estates. In this country, where the trade is so extended throughout every part of it, we should have a uniform law preventing preferential assignments and providing for an equitable distribution of the assets of estates. I do not agree with my hon. friend from Calgary, who says that there is a great clamour for this Act. I believe the demand comes principally from men who are reckless in giving credit and thereby demoralize the trade of the country by throwing large amounts of bankrupt goods on the market. I agree with my hon. friend from Halifax, when he says that the country breathed freely after we disposed of the Bankruptcy Act, in 1880. We all felt that it was a relief. Since then, business has been done on a better commercial basis. There has not been the reckless credit that was given before that, and the country has profited by the repeal of the Act. I approach this question with a great deal of timidity, fearing that whatever law we pass may entail the consequences which followed the legislation of 1869 and 1875. I believe that those laws were largely injurious in consequence of the creditors themselves not looking after the estates of the debtors, and the incapacity largely of the officials which had control of estates. If this bill should become law, I hope that men of capacity and capable of managing estates will be chosen for the position of assignees, men whom it will be safe to intrust with the assets. I quite agree with the hon. member from Amherst that we should hasten slowly with this legislation. When we consider the great injury which the other Acts brought on this country, when we remember the widespread desolation, I may say, that accompanied the existence of those Acts, we ought to hasten slowly, give every one an opportunity to carefully consider this bill in all its details, and make representations to the committee to be appointed, so that when we approach this bill again, we may have heard from every part of the country and from every person who is disposed to help us in perfecting this legislation. Bankruptcy and Insolvency Acts are innovations of the common law. We all know and are familiar with the principles upon which they are based—that for persons, traders, unable to pay their creditors in full, means should be provided as far as possible of satisfying creditors out of debtors' estates, relieving the debtors from their pressure and burdens, which they would not likely by their own unaided efforts overcome. This looks well and is very nice in theory, but has proved very bad in practice, at least in this country. Difficulties always have attended and probably always will attend the framing of such laws, and much more so the administration of them so as to make them perfectly satisfactory to all parties. The greatest object to be sought

after and promoted in a Bankruptcy Act should be the raising of the general tone of commercial morality, by doing all that is possible towards securing honest and fair trading, and to diminish the number of failures. But this ideal has never been reached. The repealed Acts of 1869 providing for voluntary assignments, and of 1875 for compulsory assignments, were failures and everybody seemed glad of their repeal. They did not promote honest and fair trading, or diminish the number of failures, but the reverse. Gradually since then the mercantile community have been pressing for some law whereby debtors would be debarred from making preferential assignments, and their assets would be equitably divided among all their creditors, punishing reckless traders and those who buy knowing they cannot pay, and that it should be a uniform law applicable to the whole of Canada. I do not know that more than that has been pressed for, that it should extend beyond traders, the principle of distinction between them and non-traders being that the creditors of traders always were to some extent considered partners in their speculations, whilst common debtors, non-traders, were considered alone responsible for their insolvency. The bill before us recognizes some distinction between the two classes, as by it the traders can only assign or be put in bankruptcy by the action of creditors, whilst all other debtors can make a voluntary assignment and apply for it under the Act, but they cannot be forced into insolvency. The English Acts since 1861 extend their benefits alike to all classes of debtors. I observe this Act is also intended to apply to all traders and debtors who, since the repeal of the Insolvent Act of 1875, have made assignments without preference or priority. We should hasten slowly with this bill, giving the remotest parts of Canada ample opportunity of fully considering it in all its details and to make representations thereon, and thus, if possible avoid the errors of the Act of 1875 which we repealed in 1880.

Hon. Mr. McCALLUM—I hope the leader of the Government will not push the bill through this House too rapidly. The people throughout the country should know what is going on here. Some hon. gentlemen who have preceded me say that the public want this legislation. The Board of Trade at Montreal does, I believe, so does the Board of Trade here in Ottawa and the Board of Trade at Toronto, but we had a petition yesterday from the Board of Trade in Belleville against it; and I believe that 90 per cent of the people of this country are against this legislation. I have a lively recollection of the old bankruptcy law. I was in the House of Commons when it was passed, and I was there when it was repealed, and I know there was an expression of relief all over the country when that Act was wiped from the Statute-book. While that law was in force there was no chance for the honest trader. Now, who are asking for this legislation, the debtors or the creditors? Are the people of the country asking for it? Are the farmers asking for it? You put the farmers in for what? The board of trade likely wants to put the farmers in as a makeweight to make the legislation popular in the country, to lead the farmer to believe that if he gets into trouble he can get out of it. Does the labouring man want it? Do the millers want it? Do the stone-cutters want it? Does the producer or consumer want it? We have heard a great deal about the producer and the consumer during the last week in the debate on the tariff,—do they want this legislation? No, a few traders want it—men who are speculating and living on other people's industries. I know that under the present system somebody gets his pay. Under the old bankruptcy law—and this will be no better—the assignee and one or two hangers-on got it all, and nobody else got his pay. I suppose the Government will prevail with this measure, but I warn them to be careful; the people of this country are watching them. In 1878, that old bankruptcy law had a good deal to do with changing the political situation in this country. I have a lively recollection of that, and I would say now, if my vote could throw out the bill right here, it should be given without hesitation. I shall not object to the second reading of the bill now because it is not printed in French. I do not want to exercise that right, but I think that time should be given for its proper consideration, and that it should not be forced through. It is not right, I contend, to read it a second time now; we should wait until we hear from the people of the country. Why should I be committed to a bill that I am satisfied is against the interest of the people of this country, which

I am satisfied the people do not want? If they only understood it, this House would be flooded with petitions against it. What petitions have we got for it? Who is asking for it? No one is working for it, and why should we be anxious to force legislation on the people when it is not demanded? They will tell us when they want it. After you get through a great commercial crisis in this country, you may put such a law on the Statute-book, but a country as sound as Canada is to-day does not need a bankruptcy law. While all the rest of the world is going through a financial crisis, the institutions of the Dominion of Canada stand on rock bottom all the time, and here you are bringing in an insolvency law to give relief when none is needed. I say it is a libel on the country, to bring in such a law.

Hon. Mr. MACINNES (Burlington)—I desire to make a few remarks on this bill before the discussion closes. We are all aware this is one of the most difficult problems to solve—the passing of a bankruptcy law which will meet the changing needs and requirements in business. It is an exceedingly difficult problem to solve, but it appears to me, as legislators in this country, it is our duty to endeavour to solve the problem; and I believe it can be solved. The speakers who have preceded me condemn the old Insolvency Act in no measured terms, and I am not surprised at it. I have suffered very severely from it, but who is to blame for that? It was due to the administration of the Act and not the Act itself. The creditors themselves were largely to blame for the manner in which that Act was administered. My own opinion is that what we want is the simplest possible law under which the assets of the insolvent will be equitably distributed amongst his creditors. The old system of appointing assignees ought to be done away with altogether, in my opinion. The assignee of a bankrupt should be the court, which has the means of administering and the machinery for doing it and is amenable to the law. I quite agree with what has been said with reference to this Act. It is capable of being made an admirable Act. With the amendments which it is hoped will be made to it in committee I have no doubt that we shall solve the problem of giving the country a good bankruptcy law. I remember in the old times when there was a class who went into business designedly for the purpose of making money out of their creditors rather than out of their business, and the effect upon the general trade was exceedingly demoralizing. The honest man who was struggling to pay his debts and make a living for himself had no chance against the man who purchased his goods and paid for them at 50 cents on the dollar. I think that a bankruptcy law such as we have before us will prevent that sort of business, and I shall certainly vote in favour of having the bill submitted to the committee.

Hon. Mr. CLEMOW—I have had considerable experience in the working of the old Acts of 1869 and 1875, and wish to say a few words with reference to the matter now before us. This bill is certainly an improvement on the old Act; it reduces the amount of preferences to a very great extent, and I have no doubt that if this bill is passed the good effects of it will be felt throughout the length and breadth of the country. I have heard it stated that there is no demand for this legislation. The commercial bodies to a great extent throughout this country have, through their representatives, the boards of trade, demanded such an Act, and I believe our trade with England has suffered to a certain extent for want of such legislation. We require a law as simple as possible, in order that the assets of an estate may be realized with the least possible delay and the least possible cost. If the creditors themselves make injudicious appointments, it is their own fault. I believe under this Act that the proper men will be selected, and the law will be carried out in a business way and will have a beneficial influence on the credit system of the country. I contend that there is too much credit in the country—that people are too anxious to give credit. The trouble does not rest altogether with the debtors; the creditors are continually sending their runners throughout the country and forcing their goods in every direction. They do not exercise a proper discretion, and to that cause I attribute a great deal of the trouble in the past. I believe, however, that they are taking cognizance of that fact, and will act more judiciously in the future. If the debtors and creditors of this country know that there is an Act under which the honest man will have his remedy and which

will act as a deterrent to the dishonest man, I believe it will have a beneficial effect. A great deal of the trouble and disasters and failures which have occurred in this country are not to be attributed to legitimate transactions entered into by the individual, but to outside speculation. The moment a man finds he has a few dollars to spare, he goes into some outside speculation, and this is the cause of a great many of the failures that have taken place. Now that could be made a fundamental cause of complaint; and I contend that it is necessary that a trader should be obliged to keep a set of books, which would be open to public inspection, and that an accountant should be allowed to examine those books and say whether he has conducted his business properly or has acted in a reprehensible way. If his conduct has been reprehensible, he should not be given a discharge on any consideration. That would have a good moral effect. I know that there has been injustice done to the creditors in the past under the old Acts. Debtors have gone to Montreal to make arrangements, and have asked "What is the current rate going for making compromises?" That was the state of affairs until the people became so enraged at the consequences of the old insolvency law that they were willing to repeal it at any sacrifice; but time has revealed a different state of things and I believe that if you polled a vote of the Dominion to-morrow you would find the majority of the country in favour of a judicious law whereby the honest man would be protected and the dishonest man should receive such punishment as would deter others from committing the same offence. In all commercial countries they should have such a law. I believe that is generally admitted, and I do not see why this country should be an exception to the rule. Of course it should be well administered, as every law should be, and I believe this law is capable of being so administered that every man will agree as to its benefits. The purpose of the committee is to allow every man to come before the committee and express his views freely, and I have no doubt the Government will be pleased to entertain any suggestions which may be made, and will endeavour to make the law as beneficial to all classes of the community as possible. With respect to non-traders, that is a moot question; there is great diversity of opinion upon that point and it is very difficult to come to a decision. For my part I do not like to encourage speculation. The people do not feel the responsibility at the time they go into it; everything looks very well, but the day of reckoning comes when they have lost all they had and they have no assets and no estate. It is no punishment to that man to be forced into the insolvency court, or to go into the insolvency court, but whether you should relieve that man from his liability or not is a matter which should be well considered, and I have no doubt this committee will consider it. For my part, I would rather have it apply simply to traders. I am sure that the committee will give all the time necessary and it does not follow that the bill should be rushed through this year, it is before the hon. gentlemen of the Senate, and I do not think a more appropriate body could be selected. They are all gentlemen well versed in trade and commerce, and if they give it attention I think they will make a perfect bill, whether they take three or six or nine months to do it. I would advise them to take the necessary time to make a bill that will give satisfaction to all parties in the country and I have no doubt the Government will consent to that. I do not think they are desirous to force this bill on the country if the people are not prepared for it. I have understood that it was the cry throughout the country than an insolvency law was required, that the country was suffering from the want of it, and our credit in England was weakened; if that is the case, I think it is time to take cognizance of the matter and enact a law which will overcome this difficulty. It is a matter of business, and we are all business men and have had business transactions, and I think if we bring our knowledge to bear upon the subject in the way that I have indicated, it will have the desired effect. It is a matter of very great importance and general interest to the country, and we should all be willing to do everything we can to bring us a law which will reach the desired end without entailing disastrous results on any section of the community. Those are my views. From my past experience I am of the opinion that a law of this kind is necessary in the interest of the trading community; I do not think it is desirable to wait any longer, especially as it is understood that these enactments of the local legislatures give no power to relieve the honest man who, through misfortune be-

comes unable to pay his liabilities. If I go and sign off to-morrow for a man indebted to me in Ontario, that man is not discharged from the payment of that liability at any future day if he is ever possessed of means to do it. I do not think that is fair. If a man gives up all that he has and his whole estate is distributed he should be relieved from responsibility; and that is one of the safeguards in the Act before us. Then, concerning the judiciary, I should like to see that reduced to a minimum, because, with all due respect, the judiciary are very anxious to make orders to carry out a certain practice and that causes loss of time and expense, and in many instances it is not satisfactory. I suppose it is not going out of the record to say that the legal gentlemen, and particularly judges of the inferior courts, as far as Ontario is concerned, are not business men; they do not understand the first principles of business and I do not therefore consider myself safe in allowing them to consider a pure business transaction. For my part, I should allow the creditors to have every opportunity of disposing of the estate and to settle in a business like manner everything pertaining to it. Other matters of a legal nature, where questions of law might arise, such as the application for a discharge or questions relating to fraud or other acts of a questionable character, might be taken before the county judge, but in all other cases, as much as possible leave it in the hands of creditors because they are in fact the only people interested. They are the only parties who lose in the transaction, and I think they should dispose of all matters relating to the business affairs and transactions in settling the estate. Let the legal gentlemen have such fees as are necessary for the purpose of getting the discharge from the creditors, but do not let them obtain heavy fees for discussing and arranging business matters.

Hon. Mr. FERGUSON (Niagara)—I do not rise to discuss the merits of the bill, but I desire to endorse the sentiments of the hon. member from Amherst so well expressed. This is a most important bill and I think the traders of the country should be consulted. I have sent out a few copies of the bill to have opinions margined upon them and sent back to me. I have not had sufficient answers yet. If we could have some legislation by which creditors could be protected from their own injudicious and imprudent conduct it would be the wisest act we could possibly pass in this House. The old Bankruptcy Act might be called an act for the purpose of destroying honest traders. I know in one town in particular where I lived, under the old law, men were constantly failing. I knew of men to fail periodically; their goods were put upon the market and sold for 40 and 50 and sometimes 30 cents on the dollar, to the same man who had failed to the detriment of the honest trader alongside who was paying 100 cents on the dollar from year to year. That dishonest trader very often ruled the honest trader who was in business on the same street. All these things have to be wisely considered. Therefore, I think it is well that we should not hurry this bill, and I am not satisfied the Government do not intend to hurry it. If we are to have a bill of the kind at all, it ought to be passed by this House after the most deliberate consultation with the people of the country, both creditors and debtors, and the creditors ought to particularly take care in this bill to protect themselves against their own imprudent conduct.

Hon. Mr. MACDONALD (P.E.I.)—It is evident from what we have heard of this debate, to-day, that very little can be said in favour of insolvency legislation. The experience of the province from which I come does not warrant anybody in asking for such legislation. The only reason I can see why we should now legislate on this matter is that several of the provinces of the Dominion have already legislated on the subject, and there is a divergence in the laws passed by the different legislatures in that way. While it is very desirable that there should be one uniform law for the whole Dominion, I am prepared to give my support to this bill and let it go to a committee of this House for consideration. It is very desirable that we should have a uniform law, and that that law should be as simple and as inexpensive as it is possible to make it. We know that the former Act, which some hon. gentlemen thought would be the means of curtailing credit was the very means of extending credit and wholesale dealers, knowing that they had this law to fall back back upon, gave credit more extensively than they have been doing recently without an insolvent law. I fear that if a law of

this kind should be enacted it will have the same effect with the wholesale dealers—they will consider that under an insolvency law they will have a certain claim upon the estate of the debtor and will be more lavish in giving credit than they are at present. As it is now, we know that in the Maritime Provinces, which get their principal supplies probably from the Upper Provinces, numbers of commercial travellers go to traders and endeavour to sell them as large quanties of goods as possible. They are only desirous to supply the traders with all the goods they will buy and when they do that and endeavour to force their goods on the market, they should take the chance of the debtor being able to pay them. If a crop fails and the merchant is unable to collect his bills, the probability is that under an insolvency law he is forced into the bankruptcy court, whereas without a law of that kind the merchants who supply him are willing to carry him forward through that year to enable him to tide over the bad time and carry on his business successfully with benefit to the supplier and to the trader himself. We know that by the former Act, as stated by some hon. gentlemen, persons in trade who become insolvent had their goods thrown on the market, and the very fact of these goods being sold at 30 cents or 40 cents on the dollar, was the means of ruining men who had been in a good position alongside of the insolvent. We must be very careful in legislating now to prevent, as far as possible, any difficulty of this kind arising. The expenses under the former Act were entirely too large. An estate when once put into the bankruptcy court seldom paid any considerable dividend. The officials generally collected a very much larger proportion of the estate than the creditors did, and it is desirable, in passing a law of the kind, to make it as simple and inexpensive as possible. If we do not do that, it will be an injury instead of a benefit to the Dominion.

Hon. Mr. VIDAL.—It is not my intention to make any observations on the details of the bill, commendatory or otherwise, but I rise to say that if it should be considered that the House in adopting this motion for the second reading of the bill committed us to adopting the principle of the bill without any further question, I should be strongly inclined to range myself with my hon. friend from Monck and join him in throwing it out. I do not consider, however, that the second reading of the bill, if adopted, would involve any such consequence after the explanations that have been made. Rule 42 provides that "the principle of a bill is usually debated at the second reading." That is not a very binding rule—it simply states the fact. The use of such an expression intimates that on certain occasions it might be considered desirable that that practice should not be followed, just as in the present instance. It is quite true further on in our rules we read that no arguments are admitted against the principle of a bill in Committee of the Whole. You will observe that it is not proposed that this bill shall be read the second time and referred to a committee of the whole. The proposition is to send it to a special committee, and in that committee we should not be bound by the rule which is here specially confined to our doings in Committee of the Whole.

Hon. Mr. McKINDSEY—After the committee report.

Hon. Mr. VIDAL—If it is submitted to a committee of the whole, after it is reported, it could not be discussed in the committee. In the meantime, the proposition is not to submit it to a committee of the whole, but to a large special committee for the purpose of carefully investigating the contents of the bill and obtaining all the information and assistance they can from persons well acquainted with commercial matters and interested in the bill—a very wise and proper course, in my judgment, in dealing with a question of such vast importance, for I entirely concur in the sentiments expressed by the hon. member from Amherst as to the importance of the measure. It is quite obvious, from the remarks made by those in favour of the bill and opposed to it, that it is a measure which requires very careful consideration. Without going into the merits of the bill, one of the details appears to involve the very principle—that which the hon. gentleman from Ottawa has called attention to, defining who is a non-trader. It is a part of the very principle of the bill; you could not discuss it without discussing the principle of the bill, and I am inclined to agree with him in his view of the matter. But as far as that is concerned,

I am prepared to wait until I have had the advantage of the examination which is to be made by the committee to which it is to be sent. We shall then have the views and information which they may collect before us, and also the benefit of their mature judgment upon every section to be submitted to our consideration. I think that it is well that the bill is in its present shape. I should be unwilling to throw it out, because I consider the circumstances of the country immediately require it. I feel strongly impressed with the idea that has been presented to us that we have done so well without a bill for a long time that there is a question whether it should be produced at all, but I feel the weight of the arguments on the other side. The arguments adduced by the hon. member from Calgary are very important and well worthy of consideration, and the very fact that in a great business country like England, where commercial matters are so well understood and well managed, they found a bill of this kind necessary, is an indication that it might be desirable in our circumstances. It is quite true that the remarks of the hon. gentleman from Barrie, which have been criticized, that our present circumstances are different from our former position, and what was unwise and impracticable then might be required now, might be fairly criticized because he clearly said to us that it was the very small character of the commercial transactions taking place in the country at that date that rendered the bill so comparatively unnecessary. The great advance we have made in trade and commerce generally has altered our circumstances, and I conceive it quite possible that a bankrupcy bill should be introduced, but the experience which we have had of the insolvency law passed here, and the fact that we repealed it and that the repeal met unquestionably with the approval of the country generally, should I think make us very cautious in putting on the Statute-book a law of the same class unless we are very fully convinced that the circumstances of the country require it. I see no objection to the second reading if it is understood that the principle of the bill can be discussed at subsequent stages.

Hon. Mr. SCOTT—As several hon. gentlemen desire to know the limit of the jurisdiction of the province, I may refer to the decision of the Privy Council and the law. In Ontario there are two Acts, The Creditors' Release Act under which, if a creditor obtains an execution against the debtor, the other creditors may come in and rank pro rata.

In case a sheriff levies money upon an execution against the property of a debtor, he shall forthwith enter in a book to be kept in his office, open to public inspection without charge, a notice stating that such levy has been made, and the amount thereof; and the money shall thereafter be distributed ratably amongst all execution creditors and other creditors whose writs, or certificates given under this act, were in the sheriff's hands at the time of the levy, or who shall deliver their writs or certificates to the said sheriff within one month from the entry of notice.

That Act has been referred to approvingly by the Privy Council. The other Act, which was the subject under consideration by the Privy Council, is that relating to assignments by insolvents. Briefly that Act declares void any preferences given to one creditor over another. For instance, a judgment give to one creditor in preference to another is void:

2. Every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects, or of bills, bonds, notes, securities, or of shares, dividends, premiums or bonus in any bank, company or corporation, or of any other property, real or personal, made by a person at a time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency, with intent to defeat, delay or prejudice his creditors, or to give to any one or more of them a preference over his other creditors, or over any one, or more of them, or which has such effect, shall, as against them, be utterly void.

Hon. Mr. KAULBACH—Is there no limit to the time?

Hon. Mr. SCOTT—No. Of course the longer the period antecedent to the act itself to which notice is called, the more difficult will it be to establish the fraud. Then clause 9 provides:

9. An assignment for the general benefit of creditors under this Act shall take precedence of all judgments and of all executions not completely executed by payment, subject to the lien, if any, of an execution creditor for his costs where there is but one execution in the sheriff's hands, or to the lien, if any, of the creditor for his costs who has the first execution in the sheriff's hands.

What the Privy Council say, is:

The Act of 1887, which abolished priority as amongst execution creditors provided a simple means by which every creditors might obtain a share in the distribution of monies levied under an

execution by any particular creditor. The other Act of the same year, containing the section which is impeached, goes a step further and gives to all creditors under an assignment for their general benefit a right to a rateable share of the assets of the debtor, including those which have been seized in execution. But it is urged that inasmuch as this assignment contemplates the insolvency of the debtor, and would only be made if he were insolvent, such a provision purports to deal with insolvency and therefore is a matter exclusively within the jurisdiction of the Dominion Parliament. Now it is to be observed that an assignment for the general benefit of creditors has long been know to the jurisprudence of this country and also of Canada, and has its force and effect at common law quite independently of any system of bankruptcy or insolvency or any legislation relating thereto.

And so they hold that those assignments are good :

It appears to their Lordships that such provisions as are found in the enactment in question, relating as they do to assignments purely voluntary do not infringe on the exclusive legislative power conferred upon the Dominion Parliament. They would observe that a system of bankruptcy legislation may frequently require various ancillary provisions for the purpose of preventing the scheme of this Act from being defeated. It may be necessary for this purpose to deal with the effect of execution and other matters which would otherwise be within the legislative competence of the Provincial Legislature. Their Lordships do not doubt that it would be open to the Dominion Parliament to deal with such matters as part of a bankruptcy law, and the Provincial Legislature would doubtless be then precluded from interfering with this legislation inasmuch as such interference would affect the bankruptcy law of the Dominion Parliament.

Practically their Lordships decide that if we pass a bankruptcy law it would override the two statutes in question—that in the absence of any such bankruptcy law, the legislation which allows all creditors to come in and file claims with the sheriff, and also that which permits an insolvent to make an assignment for the benefit of his creditors is good.

Hon. Mr. DICKEY—That would enable any other province to exercise the same power within their own limits ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. O'DONOHOE—There is no provision for the debtor's release under these Acts.

Hon. Mr. SCOTT—No, they could not grant a discharge.

Hon. Mr. O'DONOHOE—That seems to be a matter requiring as much attention as any other part of the Act.

Hon. Mr. WARK—I would suggest that it would be advisable to move the adjournment of the debate.

Hon. Mr. BOWELL—I hope my hon. friend will not press his motion. I think we can get through in a very few minutes. I have only a few words to say. I wish to express my gratification at the manner in which this important matter has been discussed. I know it is one upon which there is a very great diversity of opinion. I am also aware of the dissatisfaction that existed under the old law, particularly as to the manner in which it was administered. In the framing of this bill, the Government has tried, as far as possible, to avoid the shoals upon which the ship was wrecked in the old law, and we hope that in referring this to a large committee composed of such gentlemen as I have suggested and others who have had large experience in business matters and also in the administration of estates, and in the working of the old Insolvency Act, we may if possible simplify it to a still greater extent and make the procedure, as indicated by the hon. member from Prince Edward Island, as inexpensive as possible. The very fact that the Government propose to send this to a large committee composed of members of the House instead of a committee of the whole, as is usually the case with Government measures, is the best evidence I can furnish of their desire to give every one interested in the Dominion an opportunity of appearing before that committee and expressing either approval or disapproval of the bill. If they should approve, they can make any suggestions that they think would tend to make the bill more perfect ; while if they disapprove, and fancy that it may become law, they can endeavour to make it as innocuous as possible. That is the object we have had in view, and I propose, after the second reading, to delay the reference to a committee of the whole until some time in May—some fifteen or twenty days hence—which will give the special committee ample time to consider the measure, and the people of the country who are interested in it, ample time to appear personally or by proxy to discuss the merits of the bill. I think the House will credit

the Government with a desire to give it the widest possible publicity and to obtain, as far as it is possible to do so, the opinions of the people in the country. My hon. friend from Halifax says that he knows of no agitation for this bill—at least I so understood him. He said that he knew of nothing that would justify the Government in introducing the Act. I might say to that hon. gentleman, so far as the commercial community of this Dominion are concerned, they have been pressing upon the Government for a number of years the necessity of passing an Insolvency Act, and the Government have resisted it, until the pressure became so great that they believed it to be in the interest of the business community particularly that some such measure of relief should be placed on the Statute-book, so as to prevent the fraudulent assignments which are constantly made, in different parts of the Dominion, to their disadvantage. As long as each province has the disposing of, the regulating and the distribution of insolvents' estates, just so long will these difficulties occur. Probably if all the provinces were to adopt the system which prevails in Quebec, which I believe is the most perfect of any of them, the difficulties which have arisen would not have appeared to such a large extent; but even if that were the case, there is the point raised by the hon. member from Toronto, that there is no provision in any of the legislation of any of the provinces to relieve an honest debtor, who has become involved, from his liabilities. I know of no mode of protecting creditors to which my hon. friend from Welland has called attention, unless we should enact a law prohibiting people from giving credit, or pass a law preventing any creditor from collecting his debts. Those are the only two means that suggest themselves to my mind for the protection of creditors. I shall not argue the point raised by the hon. member from Ottawa, in reference to what are termed the non-trading class. I shall, however, for the information of my old and esteemed friend from Monck, tell him that he is altogether in error in supposing that the Boards of Trade or the bankers suggested this clause.

Hon. Mr. McCALLUM—I did not say bankers.

Hon. Mr. BOWELL—Well, merchants—suggested the insertion of this clause in order to sugarcoat the pill to enable the people to swallow it with less difficulty. Now, the fact is the Boards of Trade are opposed to the placing of a clause of that kind in the Insolvency Act, contending that it should be confined to traders. I have always held the opinion—and I expressed it in the House of Commons at the time that my hon. friend and myself had the honour of sitting there and discussing this question—that I could see no reason in the world why a farmer who had been ruined by a trader, either by endorsing, or by selling grain and not being paid for it should not have the same advantage as the man who had cheated him out of his property. If any one is responsible for this clause, I am myself, whether it be right or wrong, and that is the reason for it. I have only again to thank the House for the manner in which they have discussed this bill. I see nothing in the rule to which my hon. friend refers that binds any member of the Senate to the principle of the bill. It does not say that in passing the second reading you even affirm the principle, the rule says "the principle of a bill is usually debated at its second reading." That is what you have done to-day, and many of you have expressed strong opinions against the principle of the bill, but I hope when it comes from the committee that the House will accept it and allow it to become law. I may say further that if on the 2nd May, the time that I propose to refer it to a committee of the whole House, sufficient time has not been had, the Government will be quite prepared to further extend the time.

Hon. Mr. SULLIVAN—When this committee reports will this bill be taken up clause by clause in the House?

Hon. Mr. BOWELL—Yes.

Hon. Mr. SULLIVAN—Is it the intention of the committee to send copies of the bill to the different Boards of Trade, or will that matter be left to individual Senators?

Hon. Mr. BOWELL—I might inform the hon. gentleman that I have already circulated nearly 150 to the different Boards of Trade from the Pacific Coast down to Cape Breton, and sent some eight or nine copies to Montreal, ten or fifteen to Toronto and

Hamilton, and I shall be very glad, as long as that edition lasts, to supply any member with copies to send away to his constituents,

Hon. Mr. DICKEY—It is also right to bear in mind that those copies sent to the Boards of Trade might never reach the persons who are affected by the Act—the farmers, graziers and traders. The Boards of Trade are in large cities, and there may be tens of thousands of people in the same county who never will see or hear of it.

Hon. Mr. BOWELL—The only way by which that can be remedied is by each member supplying those most interested in his own constituency. I have no doubt the House could do that. Fortunately for us in Canada, the farmers are a reading community, and the newspapers circulate in every part of the Dominion, and any one who desires to read the papers will see that this Insolvency Act has been referred to a large committee for the purpose of being considered by them. If sufficient time has not been given, we must try and remedy that.

Hon. Mr. FERGUSON (Niagara)—I would like to ask the Minister when we would expect the further copies of this bill. My own idea is to send one to each Municipal Council and County Council in the different districts that I represent, and have their opinions, because they, and they only, know the opinions the farmers hold upon the matter of this bill. I will undertake to send to the whole Niagara district, copies of the Bill, if we can only get them.

Hon. Mr. BOWELL—Orders were given for 2,500 additional copies for the ordinary distribution, and if the House thinks that is not enough, we will print two or three thousand more.

The motion was agreed to.

Hon. Mr. POWER—Now that the bill has been read the second time, there is just one observation I should like to make with reference to the procedure. I gathered from the language used by the hon. leader of the House that he proposes to move that the bill be considered by a committee of the whole on the 2nd of May. The motion now is that it be referred to a select committee, and the House has to wait until that committee has reported before a date can be fixed for going into a committee of the whole.

Hon. Mr. BOWELL—There is no objection to that.

Hon. Mr. BOWELL moved :

That the said bill be referred to a select committee to consider and report thereon ; and that the said committee be composed of the following senators :—The Honourable Messieurs Allan, Angers, Bernier, Bolduc, Bowell, Clemow, Desjardins, Dickey, Drummond, Ferguson (Niagara), Ferguson (P. E. I), Gowan, Kaulbach, Landry, Lewin, Lougheed, Macdonald (B.C.), MacInnes (Burlington), McClelan, Miller, Pelletier, Power, Read (Quinté), Sanford and Scott.

Hon. Mr. McKINDSEY—I should like to have a word to say about my name being placed on the committee. I have not said anything on the second reading of this bill, awaiting an opportunity to express my views on several clauses of the bill hereafter. My opinion, however, is that this special committee is altogether too large. If it were divided into three or four sections, the different sections of the committee could discuss the bill among themselves separately, and get together again, and then there would be some sense in it, but I have come to the conclusion long ago that a committee of thirty or forty never arrives at any conclusion at all.

Hon. Mr. BOWELL—We can make subcommittees.

Hon. Mr. McKINDSEY—I think a committee of twenty-five is cumbersome, and if it can be made more effective by subdividing it, I have no objection.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

---

## THE SENATE.

*Ottawa, Wednesday, April 18th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## FRENCH TRANSLATION.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. McKAY, from the Committee on Internal Economy and Contingent Ac-

counts, presented their report. He said; This report contains just two recommendations, the first authorizing the Clerk of the Senate to employ such temporary assistance, to assist the French translators, as may be necessary under the present pressure of business before the House. The second is to authorize such necessary short hand assistance to the Law Clerk as may be found necessary from time to time by the chairman of the committee. It is not in either case intended to be permanent. In both cases they are supposed to be temporarily employed, and as in one of those cases particularly, it may be urgent, I move that the report of the committee be adopted to-day.

Hon. Mr. POWER—I do not rise for the purpose of objecting to the adoption of the report, but simply to point out that it does not embody exactly the recommendation of the committee. I did not understand that the assistance to be given to the translators was simply in translating bills. It happens that there is more translation of bills to be done this session than usual, but in addition to that there is other work which the translators have to do, and as to which they will need help. The word "bills" should be stricken out so as not to limit the assistance.

Hon. Mr. MILLER—That cannot be done in the House.

Hon. Mr. ANGERS—I think the report might be accepted as it is, and should we find later that it is necessary to give assistance to the French translators, for the translation of other documents than bills, the committee might report again.

Hon. Mr. POWER—As a matter of fact that report does not embody what the committee intended to recommend, because I remember the hon. gentleman himself dilated on the additional work imposed on the translators of the House by the reports from his own department and the Department of Trade and Commerce.

Hon. Mr. KAULBACH—If that is the case, the report should be referred back to the committee.

Hon. Mr. ANGERS—I do not contradict the hon. member from Halifax when he states that the report does not exactly convey the recommendation of the committee, but to avoid delay, I propose that it be accepted as it is, and should it be found that the French translators require more assistance, another report might be brought in making the work of the temporary translators general.

Hon. Mr. McKAY—I do not think there is any difficulty about it, because the men to be employed might be put at the bills, while the other translators are doing something else.

Hon. Mr. POWER—Surely, we can, with the unanimous consent of the House, amend the report at the table?

Hon. Mr. MILLER—I doubt very much if we can.

The motion was agreed to.

## WESTERN CANADA TRUST AND GUARANTEE CORPORATION'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (D) "An Act to incorporate the Western Canada Trust and Guarantee Corporation," with amendments. He said: The first amendment is in respect to the name adopted for the company. The name was almost identical with that of another company in Canada, and difficulty was found in finding another name, because so many companies exist, that it was not easy to find one which would not clash with some of them. The committee finally decided that a name which would do as well as any other, is the one now adopted, "An Act to incorporate the Trust Corporation of Canada." The next amendment is to the clause which provides what the trust shall be. The clause has been amended so as to make it more full and precise, to guarantee the repayment of principal and interest or both. The next two or three alterations are simply verbal. The next is in the clause which prescribes in what securities the corporation may invest. This clause is amended so as to prevent the investment of money in the bonds of municipalities with a population of less than 10,000, or where the assessment does not exceed a certain amount, because the com-

mittee did not think it would be safe to allow them to invest without some limit of that kind, both as to the population of the municipality and the amount of its assessment. The next amendment provides for the class of securities in which the corporation may invest moneys forming part of its own capital or reserve. The last amendment of any importance is with regard to preference stock. It is to provide that any such by-law shall only have force or effect after it has been sanctioned by a two-third vote of the shareholders present or represented by proxy at a meeting to consider the same. The last amendment refers to the clause relating to the notices of meetings and provides that notice may be sent by circular, addressed, postpaid and registered, to each shareholder, at his last known address. The House will see that all these amendments are in the direction of greater security to those who may be intrusting their money to this corporation.

Hon. Mr. LOUGHEED moved that the report be taken into consideration to-morrow.

The motion was agreed to.

## INSURANCE ACT AMENDMENT BILL.

### FIRST READING.

Hon. Mr. ANGERS introduced Bill (V) "An Act further to amend the Insurance Act." He said: I shall only state now that this bill refers to a number of clauses in the general Insurance Act which require amendment. I think it would be more useful for the members of this House to hear what explanations I may have to offer concerning it, after the bill has been printed, than upon its first reading. The bill deals with a number of sections, and the explanation which I could give now would not be so well understood as it will be with the text of the bill before the House.

The motion was agreed to, and the bill was read the first time.

## SAFETY OF SHIPS ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (G) "An Act further to amend the Revised Statutes, chapter 77, respecting the Safety of Ships." He said: I have adopted a different course to that suggested by my hon. colleague. I explained the bill when I introduced it. Its provisions are more for the sake of explaining certain portions of the old Act and defining certain words which are contained in it, and also to permit the deck-loading of vessels to the extent of six feet when visiting Newfoundland, St. Pierre and the West Indies, without interfering with the deck-loads as provided in the Imperial Statutes, to which we must confine our ships when they are going to England.

Hon. Mr. POWER—I should like to ask the hon. gentleman a question so that he may be able to answer it in committee. There does not seem to be any reason why ports in South America, Brazil and Guiana should be treated differently from the ports in the West Indies. I know from ports in the lower provinces, ships go to Brazil just in the same way as they do to the West Indies, and I do not see why the restrictive provisions should apply to those vessels going to South America when they do not apply to those going to the West Indies.

Hon. Mr. BOWELL—Paragraph "*f*." which defines what the words "West Indies" means, covers the objection. It reads as follows:

> The expression "West Indies," means the West India Islands, and includes the Bahama and Bermuda Islands, and any port or place in the Gulf of Mexico not being a port or place in the United States of America, and includes any port or place on the mainland between the Gulf of Mexico and the south-eastern extremity of French Guiana.

Hon. Mr. POWER—That covers Guiana, but does not cover Brazil.

Hon. Mr. KAULBACH—I am very glad that my hon. friend brought that to the notice of the House, but the bill, certainly, is a great improvement on the law as it stood, and I am glad that the Government have considered the representations made by the lower provinces as regards the restriction upon vessels sailing from certain ports. The restriction was a very unnecessary one, and it was difficult to get the law complied with. After a long delay we have accomplished this, and I am sure those engaged in the West India trade from the port of

Lunenburg, will consider it a great privilege that they are allowed to conduct their trade in a way which they know to be safe without hindrance.

The motion was agreed to.

## SECOND READING.

Bill (K) "An Act to incorporate the Canada Mutual Life Association."—(Mr. Clemow.)

## WOOD MOUNTAIN AND QU'APPELLE RAILWAY COMPANY'S BILL.

SECOND READING.

The Order of the Day being called,

Second reading of Bill (R) "An Act respecting the Wood Mountain and Qu'Appelle Railway Company,"

Hon. Mr. BERNIER said: A bill the same as this having come from the House of Commons, I beg to move that this order be discharged and the bill withdrawn.

Hon Mr. MILLER—The hon.gentleman's object I suppose is to get the way clear for the bill which has come from the House of Commons. His motion does not do that. The proper motion would be for leave to withdraw the bill, because this motion may at any time hereafter be placed upon the paper.

Hon. Mr. BERNIER—I first have to move for the discharge of the Order of the Day, and then move to withdraw the bill. I beg leave to move that the Order of the Day be discharged.

The motion was agreed to.

Hon. Mr. MILLER—My hon. friend must see the position he has placed himself in now. He is going to make a motion in relation to a matter which is not on the Minutes at all. He cannot make any motion in regard to it without putting it on the Minutes again. My hon. friend had better amend his motion to have it read in this way: that the Order of the Day be discharged and that leave to withdraw the bill be granted by the House.

Hon. Mr. BERNIER—I beg leave to move according to the suggestion that the hon. member has just made.

The motion was agreed to.

## HARBOUR OF PICTOU AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (F) "An Act further to amend the Act respecting the Harbour of Pictou, N.S."

(In the Committee.)

Hon. Mr. POWER—The town of New Glasgow is some seven miles from Pictou up the river. It would not appear that the jurisdiction of the Commissioners of Pictou Harbour would extend up the river to that distance. I was just looking at the original Act. I do not find anything about it here. Perhaps the hon. Minister is in a position to explain that.

Hon. Mr. BOWELL—This bill was prepared by the Department of Marine and Fisheries. The Minister presiding over that department, as my hon. friend knows, is from that section of the country, and his note to me is as follows:—

The wharf at New Glasgow in the county of Pictou was built by the Pictou Harbour Commissioners out of dues collected on vessels arriving at Pictou, and the commissioners wish to control and regulate the wharf.

Some doubt has arisen as to their power and authority to do so, although they have been controlling it and collecting dues there since it has been built, and they have been informed by the legal advisers of the department that this bill was necessary in order to place the harbour fully under the control of the commissioners. If my hon. friend asks why the words "New Glasgow" are used I am not able to say.

Hon. Mr. POWER—I said it was about seven miles up the river from Pictou, and I did not think it would naturally come under the jurisdiction of the commissioners and I asked for an explanation.

Hon. Mr. VIDAL, from the committee, reported the bill without amendment.

## DEBATES AND REPORTING COMMITTEE'S REPORT.

The Order of the Day being called,

Consideration of the First Report of the Standing Committee on Debates and Reporting,

Hon. Mr. BELLEROSE said: The committee having considered the matter and called the Queen's Printer before them, ask leave to withdraw this report, and the other which was substituted for this one presented yesterday will take its place on the orders.

The report was withdrawn.

## MONCTON AND PRINCE EDWARD ISLAND RAILWAY AND FERRY COMPANY'S BILL.

SECOND READING.

Hon. Mr. POIRIER moved the second reading of Bill (I) "An Act to amend the Acts relating to the Moncton and Prince Edward Island Railway and Ferry Company."

Hon. Mr. KAULBACH—I think the hon. gentleman should give some explanation to the House. This seems a very long extension to grant.

Hon. Mr. POIRIER—I think I can give an explanation which will be satisfactory to the House. This is altogether a *bona fide* enterprise, but through circumstances which the company could not control, these delays are unavoidable. Hon. gentlemen are aware that there has been for many years a scheme to connect the mainland and Prince Edward Island by means of, first, a sub-way, and then a tunnel. This company does not wish to do anything to prejudice the other scheme. When they brought in this bill for the first time, simultaneously our friend who has recently left the Senate to fill a better position, introduced his sub-way scheme. This company thought that they should not do anything that might prejudice the other company believing that both projects are for the benefit of the islanders, and leaving to the island people the choice of what they considered the best scheme. The year before last the Government decided to have borings between Cape Traverse and Cape Tormentine in order to ascertain what the cost of the tunnel would be. That resolution having passed, this company would not press the bill and remained necessarily in the position they are in. These borings were attempted two years ago. There was, I believe, ten or thirteen thousand dollars voted for the purpose of making them. In order to ascertain the cost so that the company could decide once for all whether they should proceed or not, two years ago Mr. Palmer had charge of the borings and some borings were then made, but there was some falling off and all the borings could not be completed. There was still a portion of the money not expended, and it was to be applied last summer towards the completion of the boring. For some reasons, for which this company certainly are not responsible, the parties who were to make the borings only arrived on the spot with their necessary instruments in the month of September, and they were in a position to commence the remainder of the borings according to contract when a severe tempest set in and destroyed all their machinery, or at least put them in a position that they were not able to finish their borings. Now the report was not made to England, and the Government have not yet ascertained what the exact cost of the tunnel would be. It is, I believe—I am not speaking officially, but from what I have reason to believe is true—the intention of the Government to have those borings completed this summer with the remainder of the money voted. That being so, this company is forced to ask an extension of time. You can see by the bill that it is only a few months, in order to wait until those reports are made and to see what the Government is going to do. If the tunnel is to be bored, I think I may safely say that this company, though they have some money and are perfectly ready to go on, may very likely drop the project, because then the people of the island will be satisfied, and the company does not wish to be an obstacle to the realization of the other scheme. But on the other hand, if the report of the engineer should be unfavourable, if it should be decided that the cost, as is anticipated, would be so great as not to warrant the Government in undertaking the building of the tunnel, then this company wishes to be in a position to give the islanders (provided Parliament and Government are agreeable to it) the benefit of their scheme. They have

been ready for the last four years to proceed with it, but it has been postponed for the reasons I have given—bona fide reasons which every member of this House will understand.

Hon. Mr. MACDONALD (P.E.I.)—The communication with Prince Edward Island, proposed to be established under this bill, is it seems now to be undertaken only after the tunnel is abandoned. The reasons given by the hon. member who has moved in this matter for asking for an extension of time do not appear to be sufficient. The people of Prince Edward Island have some interest in the means of communication which this bill is proposed to effect, and the people in the western portion of Prince County, where it is proposed to run a ferry between Richibucto and the west point, are to a great extent interested in this matter. A bill was passed here in 1890 for the purpose of establishing this Moncton and Prince Edward Island railway, and they considered they were going to derive some benefit from that railway and ferry. They saw after two or three years had elapsed that nothing was being done and they became dissatisfied. Last year they found that a bill was passed here extending the rights and privileges of that company—increasing their capital from $750,000 to $1,000,000 and giving them power to raise money on the road to the extent of $1,500,000 and I think further power to raise a certain amount of money on the plant of the ferry, and they supposed when that bill was passed and the time was limited within which operations were to be commenced on that road, that it would be gone on with, and they are very much disappointed that such has not been the case. I fail to see why, if this company have had that right and privilege so many years, they have not yet spent any money on the undertaking. Under their Act they have the right to build that road and dispose of their charter to any other company, and I think it is injurious to the interests of the people of Prince Edward Island as well as the people of New Brunswick, that any company should be enabled perhaps to shut out those who would undertake to do the work and go on with it. With that view of the case, I think we should very seriously consider whether it is for the interest of the people of those two provinces that the time should be extended and this company given rights and privileges that it would be impossible for any other company to obtain. I should like to know what has been done in this matter—has any money been expended, has any money been paid up according to the requirements of the Act passed in 1890 which was revived by the legislation of last session? Now we have a bill introduced here for the purpose of extending the time within which they may commence their operations for another year and a half beyond the time mentioned last session. I fail to see what advantage we can derive from extending a charter of this kind. The work would be much better in the hands of people who would go on energetically if they were allowed to do so.

Hon. Mr. POIRIER—Money has been expended. This year, to my knowledge, three expert engineers have gone there to get information from some persons appointed by the Government concerning the ice, and they came there and made soundings and completed their investigation as to the feasibility of the scheme and the company is ready to go on with the work. Other companies have often come before Parliament for an extension of time and as far as that is concerned this company is not introducing any innovation at all. All that is asked now is a little extension of time so that the report as to the borings may be made known and then the fate of this company will decide it one way or the other. But I beg to remind this House that this company has not, so far as I know, been in the way of any other enterprise. If such were the case there would be something in the argument of my hon. friend, but I am not aware that this company is injuring any private individual or enterprise, or that by asking an extension of its charter it is affecting the rights of anybody or asking any thing that has not been very frequently granted in this or the other House. I hope, therefore, that this honourable House will sanction the second reading of the bill.

Hon. Mr. VIDAL—Will the hon. gentleman explain why in the amendment he now proposes he leaves out words which are of importance, especially in view of the arguments presented by the hon. gentleman from Prince Edward Island? I notice in the original bill there are words which declare

that if the railway is not completed within five years from the passage of the Act the charter shall be forfeited. Now, these words are entirely left out in the bill before the House, and there seems to be no forfeiting of their charter by reason of the non-completion of the work, because all the words after "force" are struck out so that the whole of that provision in the section is struck out. Is that done intentionally?

Hon. Mr. POIRIER—That was amended last year.

Hon. Mr. VIDAL—It is last year's Act that I am speaking of. You retain the first section of last year's Act and you leave out those words. I am asking if it is done intentionally or otherwise, because they are important words, that the charter will be forfeited if the work is not gone on with. You strike them out and do not replace them with anything.

Hon. Mr. POIRIER—It is stricken out, but it is replaced with similar words except as to dates. Instead of replacing it in an amendment it is replaced in a subsection verbatim.

Hon. Mr. VIDAL—Except that this penalty is left out—that if the work is not completed within a certain time the charter shall cease.

Hon. Mr. POIRIER—The company will be perfectly willing to have that inserted in committee.

Hon. Mr. KAULBACH—I think my hon. friend had better ask for a longer extension of time. It is impossible that this work can be commenced within the time specified. There is no intention on the part of the company to expend money and commence work until such time as the Government decide whether the tunnel is to be built; if the Government decide not to build the tunnel, then only is the company to go on with the work and I think the time should be extended longer than fifteen months.

Hon. Mr. PROWSE—The explanation given by the introducer of the bill conveys the idea to this House that it is specially in the interest of Prince Edward Island that the work is not pressed forward at the present time, but it appears to me that the object of the company is simply to find out what the cost of the tunnel is going to be. Then they will be able to make a deal on the amount that the tunnel may cost, so as to be in a position to offer the Government to do this service for a few dollars less. If the company are prepared to establish this communication with Prince Edward Island without any subsidy from the Dominion, I am sure the islanders, as a people, will not object to the communication proposed under this bill, but if it is simply to postpone the undertaking of the work until the borings are completed and an estimate given to the Government of what it would cost, so as to enable them to put in a scheme involving a subsidy a little below what the tunnel would cost, I do not think it is in the interest of Prince Edward Island or any other province; because I am satisfied that the communication, if established and successful so far as the extreme west end of the island is concerned, will not be of the same advantage to the public generally. It appears to me that the proposition of the hon. gentleman is playing well into the hands of the Government. They are in no hurry to spend eight or ten million of dollars to establish communication between Prince Edward Island and the rest of the Dominion, and so long as they have any excuse for delay, they will say we are wiling to give you communication, but we are waiting to see what somebody is going to do at the west end of the island, and this company says "we are waiting to see what the Government is willing to do," and thus the people of Prince Edward Island are to be left out in the cold for two or three years to come. This question has been played with a little too long already, and it is pretty near time that some active work was commenced. It appears to me exceedingly singular that borings promised to be undertaken last year should have been postponed until the month of September, at a time of the year when, as every one knows, it is impossible to go and take soundings in an open strait 6 or 8 miles wide. Evidently it was not intended to be completed last year. I hope the Government will see that the borings are commenced in proper time this year, in the month of May, so that they will have the whole calm season of the year to complete them and be able to report as to whether they are prepared to give this com-

munication to Prince Edward Island or not. If we are not to have this communication, I for one, would like to know what they are going to do about it.

Hon. Mr. FERGUSON (P.E.I.)—I observe that hon. gentlemen are a little impatient at having local matters discussed in this House (cries of "Oh ! no !") I admit that this is not the time or occasion for such a debate, but I hope that some member from Prince Edward Island will bring up the whole matter before the close of the session. If no one else will introduce the question, I will do it myself. I make this remark to show hon. gentlemen that it is no wonder that we are a little sensitive on this subject. If hon. gntleemen will go to the reading room they will find that the latest paper from Prince Edward Island is dated the 6th of April. This is the 18th of April, and it has therefore taken 12 days to get a newspaper from Prince Edward Island at this time of the year. Hon. gentlemen will understand that it is not much wonder if the people of Prince Edward Island feel a little sensitive when a matter of this kind comes before the Senate.

Hon. Mr. POWER—I think it would be rather hard on the hon. gentleman from Acadia if his bill should come to grief owing to a demand for an explanation made rather by way of jest than otherwise. I think his explanation is satisfactory. He says the company who promote this bill are prepared to go on and construct the work whenever the Government have made up their minds as to what they are going to do about the tunnel. That does not give any excuse at all to the Government for delay. This company is composed of gentlemen who, I presume, are willing to put their own money into the undertaking and expect to get a return from their investment. Suppose those gentlemen were to go on, as suggested by hon. gentleman from Prince Edward Island, with their work now, and after the borings of next summer the Government decided that the tunnel should be constructed, then the project of this company would become practically valueless, and naturally, as business men, they do not wish to put their money into an undertaking which might be rendered almost completely useless by the construction of the tunnel. I think that the hon. gentlemen who represent Prince Edward Island here, if they find fault with any one, should not find fault with the promoters of this bill who are anxious to do all they can for Prince Edward Island, consistent with their own interest, but should find fault with the Government for not doing the work they have in hand. The tunnel has effected one of its chief objects already, and it probably is not so likely to be proceeded with.

The motion was agreed to.

## SPEAKER OF THE SENATE BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (Q) "An Act respecting the Speaker of the Senate." He said: we had a long discussion in the Senate last year upon the principle of this bill. It is still fresh in the minds of hon. members. The bill of last year met with a certain amount of opposition—not large as to numbers but valuable as to the weight of the opinions expressed. However, the bill went through the Senate and I have no doubt would have passed in the lower House with as good a result had it not come before the House of Commons at a very late date in the session. It was intimated in the brief discussion which took place there that the result of pressing it would be to delay the prorogation three or four days, and the Government thought it advisable to allow the bill to drop. It has been brought up again here, and in deference to the opposition expressed last year in this House, the clause has been introduced so as to remove all possible scruples from the consciences of any members of the Senate. If, as contended last year, this Bill is *ultra vires*, the law officers in England will have an opportunity of pronouncing upon it and the Government can then petition the Imperial Parliament to amend the constitution in that respect. That mode I think is the most advisable, rather than to petition before the Parliament of Canada has expressed an opinion about it and to be told, possibly, that the power we are seeking is already vested in us. Therefore, I think that it is unnecessary to state at length the ground taken last year by the Government and some members of this House for adopting the bill. My own personal opinion has not changed about it. I have had occasion to consult with the

Minister of Justice and he also is of opinion that the bill is within the powers of the House.

Hon. Mr. GOWAN—I have to thank my hon. friend the Minister for putting off the second reading a day. It enabled me to see the bill which was yesterday distributed. I find it a transcript of the bill of last session as it passed this House, with one clause added, to which I shall presently advert. The measure was somewhat fully discussed on that occasion, the debate extending over five days. It will be found in the Senate Debates of the 16th, 17th, 20th, 21st and 22nd days of March last.

Hon. Mr. SCOTT—I think the words used last year were that the Senate would "appoint" the Speaker, and it was suggested that the word "choose" would be better, and that word "choose" is the one now used in this bill.

Hon. Mr. ANGERS—Yes, this is the bill as adopted by this House and passed, and transferred to the House of Commons. All the modifications that were suggested last session are made in this bill; amongst others, the suggestion made by the hon. member from Ottawa, to substitute the word "choose" for the word "appoint." The House did not argue it on the amended bill. There was a very brief discussion there.

Hon. Mr. GOWAN—There was a speech made by Mr. Mills, and also a speech on the other side, and many points were brought up. A strong sense of duty compels me to a persistent opposition to what in itself only might be a convenience. But if brought about let it be done in a constitutional way. The first clause provides that when the Speaker from illness or other cause finds it necessary to leave the Chair during the sittings of the Senate he may call on any senator to preside in his place. The second section provides, that whenever the Senate is informed by the Clerk at the table of the unavoidable absence of the Speaker the Senate may choose a senator to preside as Speaker. The third clause provides that every act of a temporary Speaker shall be as valid as if done by the Speaker himself and the fourth that the Act shall not come into force till Her Majesty's pleasure thereon has been signified by proclamation in the *Gazette*. I do not care to enter upon any verbal criticism. But what does "unavoidable absence" mean. How will a Clerk at the table construe it? What is to be done if the Clerk is ill or declines to act? No doubt illness of body might cause unavoidable absence, but perhaps he might hold that nostalgia, in case of a Speaker, say one from Prince Edward Island or Victoria, was worse than an attack of gout. The power to determine is too serious to confer upon any subordinate official, but I will not say any more on this head. To come to the point upon which I feel the danger of action as proposed lies. As I said the measure was debated last session. The objections then taken to the bill, briefly and generally stated, were these: that in passing such a measure we would be exceeding the bounds of our assigned jurisdiction under the British North America Act, inasmuch as the proposed law would change the terms and conditions of the sections providing for the constitution of the Senate as part of the machinery of legislation. That the constitution and powers of the Senate were enacted, and must be looked for in the statute alone, that it would in fact be an amendment of the Imperial Act; a creature of the statute undertaking to rearrange itself by taking something from the appointing power laid down by statute. That the question is not one of mere convenience but a question of jurisdiction and power to constitute a new presiding officer. That our constitution has reserved no power to Parliament to deal with a matter of the kind and that the general words under section 91 "To make laws for the peace, order and good government of Canada" did not, as contended, confer the power to pass this bill, that the whole frame-work of the British North America Act demonstrates that the organism of Government was not to be interfered with by Dominion legislation. The section 91, relating to the distributing of power between the different governments, but not meant to confer the right to change the fundamental provisions regarding the component parts of the Senate, sections 34, 35 and 36, which are specific and clear as to the constitution and organism of the Senate. While the provinces received power to amend their constitution (sec. 92, subsection 1) it was withheld from the Dominion. Therefore such a measure as proposed would be unconstitutional and void and contrary to the

spirit and meaning of the Imperial Act, our written constitution. Moreover, it was contended the provision in the bill was an invasion of the prerogative and an unlawful interference with the appointing power delegated by Imperial enactment to the Queen's representative in Canada. I do not propose arguing out again the points taken in the former discussion. Hon. gentlemen will see the whole debate in the *Hansard* if they will refer to it, and I trust will be convinced of the gravity of what has been urged. Not only is the question one of construction on our written constitution, but the proposed bill substantially alters the terms agreed upon as the basis of confederation, and this fact must ever be borne in mind that the British North America Act is *sui juris*, a solemn league between the several provinces, and so treated when before the Imperial Parliament. Our constitution was agreed on between ourselves, its binding force and authority consummated—created by a statute of the Empire. We possess such powers as it assigns to us and none other. Should we undertake on our own authority to alter or amend an integral part of the machinery of legislation provided for us, who can say where it may end. If the broad and unlimited power contended for under the words in section 91 be well founded, will it not admit of changes and disturbance in other provisions, going to wreck confederation? Should this bill go on our Statute-book, will it not be a precedent for other infringements of the compact which the provinces entered into? I maintain that an absolute plenitude of power was never contemplated and cannot be sustained on any fair construction. The matter dealt with by the bill may be small, the alteration convenient, but once the door is opened to change by mere Dominion legislation, who can forecast the end, who say that the plenary power claimed under section 91 may not be invoked directly or indirectly to impair provincial or other rights, or to fritter them away? True a province might be a dangerous subject to handle in this way, but why pave the way? The distribution of power is not in all cases so clearly expressed as to leave no opening for contention that the paramount power doctrine should come in. I am sorry that this bill is pressed. We have got on very well under the law as it is ever since 1867, but if the change proposed be essential, why not take the regular constitutional course of asking an amendment by the authority that passed the British North America Act as was suggested last session by my hon. friend the senior member from Halifax, and then pressed upon the Minister. The new clause added since last session doubtless was intended to take some of the sting out of the measure, and I accept the concession in the spirit in which it is made. But it does not touch the argument that in undertaking to alter the organism of the Senate we are exceeding the bounds of our assigned authority under the British North America Act. I doubt if section 4 of the bill—a new method—is not itself outside our Constitution. Under section 55 a bill passed both Houses is presented to the Governor General for the Queen's assent. He declares in the Queen's name assent or dissent, or that he reserves it for the Queen's pleasure. When the Governor General assents to a bill, the Queen in Council may disallow it within two years, in which case the Act becomes null. Section 57 provides for the signification of Her Majesty's pleasure. But the 4th section of this bill now before us provides a new method not known to the constitution. It is hard to say what reception Her Majesty's ministers would give to a bill presented with such a clause. My impression is such method of action could not be recognized as a proper foundation for Her Majesty to act on. The British North America Act declares it expedient not only that the constitution of the legislative authority in the Dominion be provided for, but also that the nature of the executive government therein be declared. How can we venture outside of the express provisions of the Act? I think it but candid to point out this dilemma; I do not care to expand upon it. Holding these views, I feel it my duty to vote against the bill.

Hon. Mr. DICKEY—This question was thoroughly discussed and threshed out a year ago, and I do not propose to repeat any argument that I used on a former occasion, for the reason that, like the hon. member who has introduced this bill, I have seen, upon further consideration, no reason whatever to change the opinion, I then expressed as to the competence of this Parliament to pass the bill. I should not rise now were it not for the purpose of adding a very small contribution to the

literature of this question. Having had occasion to consult a new work which has just come out, I happened to alight upon a portion of the Imperial enactments, referred to in that work, which seem to have some bearing upon this question. The book that I allude to, is, I am proud to say, a Canadian work, written by a Canadian, and printed and published in Toronto. It is the work of Mr. Clement, on the law of the Canadian Constitution, and it only came into my hands within two or three hours. In the appendix, I find an Imperial Act which bears upon this question, passed in the year 1865, intituled, "An Act to remove doubt as to the validity of Colonial Laws." In the interpretation clause, the word "colony" is made to include all parts of the Queen's dominions which have the benefit of legislatures. In the 5th section of this Act, I find the following:

> And to make provision for the administration of justice therein and every representative legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers and procedure of such legislature.

I am aware that it may be said that this does not apply to the present discussion, because we are acting under a written constitution, and unless we find within the four corners of that constitution the power to make these laws, we cannot look outside of it; but a careful consideration of this enactment will show that it has a very wide reaching scope, and I bring it forward as an earnest, at all events, of the desire of the Imperial Parliament to confer all these powers upon colonial legislatures; and as such, I think it is my duty to call the attention of the House to it, and I will do so without intending to further interfere in the discussion. In that Act, they call us all colonies, and the definition of the word "colony" shows it means all dependencies under the Crown which have legislatures. The word "colony" includes "all Her Majesty's dominions abroad, where exist legislatures as hereinafter defined;" therefore, it includes this legislature. The question is a very important one, but at the same time I have no doubt whatever that it is the feeling of the House generally that any doubt which hon. gentlemen may have felt as to the power of Parliament to pass this bill, will be, if not removed, at any rate lessened by the 4th clause being added in the measure this year, to provide that it will come under the purview of Her Majesty's law advisers in England. It will not be the first time that we are indebted to them for amendments to the British North America Act, but at least we have the consolation to know that this Act, whether it be *intra vires*, or *ultra vires*, can have no effect until the law officers have advised Her Majesty upon this subject and Her Majesty has issued a proclamation to give effect to this legislation, and if they think it is not within the scope of the powers conferred by the British North America Act, the constitution under which we live, then they will do as they did on a former occasion—advise that that Act should be amended in a particular way, so as to leave no doubt as to our power to pass such a law.

Hon. Mr. KAULBACH—I do not suppose my hon. friend from Barrie desires us to open up a discussion now. This question was fully discussed and determined last session, and I think the last clause of the bill fully meets any objection raised. Any doubt which may arise as to the constitutionality of the Act will be determined by the legal advisers of the Crown. It would be a waste of time for us to open up a discussion now and I do not think any of us would change the opinions that we held last session. I hope the Government will press the bill through as quickly as possible. We last year saw the necessity of such an Act. At any time a crisis might arise, and great inconvenience occur, and I hope the Government will get the decision of the law officers of the Crown as early as possible.

Hon. Mr. SCOTT—The arguments being so exhaustive last year in this matter, I do not propose to make any speech other than simply to call attention to the fact that some hon. members here and hon. gentlemen who discussed this matter in another place will persist in looking upon this as an intrusion upon the prerogative of the Crown, as if we were superseding the power of the Crown. One hon. gentleman used the argument that if we had a right to appoint a temporary Speaker, we had a right to do it permanently, that we could set the British North America Act aside altogether; but the argument was predicated on the assumption that we were appointing a Deputy-Speaker, in the sense in

which the term is understood in another branch of Parliament. We never professed to do anything of the kind. It was always admitted that the Crown could step in and supersede our *locum tenens*. It was simply to allow business to be carried on. My hon. friend from Amherst very properly called attention to the Imperial Act of 1865, which has a bearing on this question, and I see that that very Act was brought into existence on a parallel question. It was passed because the legislature, having some degree of common sense, supposed that in the temporary absence of the Speaker of the Legislative Council, they would have a right to place some other member in the chair. It was contended that the power of appointment rested with the Crown. It was a case of that kind that had to be met, and this Act is retroactive. It not only applies to courts but to legislatures.

And every representative legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers and procedure of such legislature.

Hon. Mr. GOWAN—My hon. friend will see that that statute was dealing with questions which arose two or three years before the passing of the British North America Act.

Hon. Mr. SCOTT—I am aware of that, but the same principle applies. The parallel is precisely the same. They did not profess to interfere with the prerogative of the Crown, but if the Speaker took ill they assumed that they had the right to place one of their number in the chair until the Crown intervened. With regard to insolvency, many hon. gentlemen learned in the law have asserted that the provincial parliaments have no power whatever to deal with the estates of insolvents, because in the British North America Act the subject is specially reserved to the Parliament of Canada. The provincial legislatures have no right to pass such a law, yet we had the subject up yesterday, and we learned that the Privy Council have held that in the absence of the exercise of power by the Federal Parliament a provincial legislature might pass such a measure. The moment we exercise our power, of course, it supersedes theirs. Just in the same way, if the Crown is satisfied that a temporary *locum tenens* should not be in the Speaker's chair the Crown can issue a patent to another member who will take the chair. We do not interfere with the prerogative of the Crown, but if the Crown does not exercise those rights, and it is in the interest of the public business that a temporary make-shift should be adopted, surely as men of common sense—and law is supposed to have a little element of common sense about it—we would not allow the whole machinery of government and parliament to stand still for want of somebody to fill the chair temporarily. As practical men we should regard it as expedient and right, so long as we do not interfere with the constitution. Our appointee has no absolute possession. In arguing this matter in the other branch of Parliament they dealt with it very unfairly—they persisted in assuming that we were anxious to appoint a Deputy Speaker. We did not propose to do anything of the kind. The bill shows on the face of it that we did not, and there was no ground for such an assumption.

Hon. Mr. GOWAN—The Senate is certainly not constituted without a Speaker. The 35th clause of the British North America Act provides that fifteen members, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its power. A member in the chair, elected or appointed by the House, is certainly not the Speaker, within the meaning of the Act.

Hon. Mr. ALLAN—Even at the risk of falling under the charge of the hon. gentlemen from Ottawa of lacking common sense, I have seen no reason to change the views expressed by me last session on this bill. I do not desire for a moment to take up the time of the House with any argument upon the question now, because I think it is pretty well a foregone conclusion. I merely desire to justify myself in the course that I propose to take. I adhere to the opinions that I expressed last year, and they have been strengthened rather than diminished since then. With regard to the clause inserted at the end of the bill, and which seems to be considered by some hon. gentlemen as removing some of the objections which were made to it before, I can only say that I do not consider that the eventualities which the bill is to provide for are likely to occu so often that it is well to expose ourselve

to the possibility of being told that we have exceeded our powers, and that we must petition for an alteration of the British North America Act to bring about the much desired change contemplated by this bill.

Hon. Mr. POIRIER—Having looked into the question during the recess, I still hold to the views I expressed last year as to the constitutionality of this bill. I still believe that it is *ultra vires* of our Parliament. However, I make an exception as to the first clause. I took the same position last year. I believe the first clause is wholly within our jurisdiction, that at any time the Speaker can call any one of us to replace him in the chair, and the discussion may go on while that gentleman is there, as legally as if the Speaker himself were presiding, and that without any special enactment of ours, provided that when a vote is taken or anything is to be recorded the Speaker is in the chair. Therefore, so far as the first clause is concerned, if that alone constituted the bill, I would give it my support ; but as to the other clauses, I still entertain the ideas that I expressed last year. I do not share the opinion that the hon. gentleman from Ottawa expressed, that the Speaker of our House has less power than the Speaker of any assembly in the world. He had likely in mind the presiding officer of the House of Lords, but ours is different. The position of the Speaker here is pretty similar to that of the Speaker of the House of Commons, and if, by the British North America Act, provision is made for the election of a Deputy Speaker, or for the absence of the Speaker of the other House, it certainly was done because it was deemed necessary that the power should be derived from the proper authority. Hon. gentlemen remember well how it reads:

> Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the Chair of the House of Commons for a period of 48 consecutive hours, the House may elect another of its members to act as Speaker and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, duties and privileges.

It positively gives them those powers, which means that without such a provision in the Act those powers could not exist. Such powers are not given for the substitution of a Speaker in our House. That goes against what the hon. leader of the Opposition asserted, that our Speaker was the least among the Speakers in the land. Article 35 of the Act expressly says that our Speaker is somebody and is not merely a figure head, but an essential article of our constitution. It is as follows:

> Until the Parliament of Canada otherwise provides, the presence of at least fifteen senators including the Speaker shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Therefore our Speaker is necessary in order that we should sit constitutionally, and if it should be enacted that our Speaker is essential to that end, I do not see how a substitute appointed by us and not deriving his powers from the proper source could constitute with us a constitutional body. However, I will not repeat the arguments that were used last year, I understand perfectly the desirability of this legislation. We should not be always under the necessity that we were in before of appointing a new Speaker in case of the sickness of the actual Speaker, as was done I believe in the case of Mr. Botsford, who was temporarily appointed. Provision should be made to relieve our Speaker, especially now when we are entering upon a new departure and taking a larger share of the burden of legislation and when questions may arise on which there will be night sessions. We should provide, but constitutionally, for the substitution of some among us to come to the help of our Speaker, whoever he may be. I am reconciled with the bill on account of the 4th clause, which proposes to refer the constitutionality of the Act to the proper legal authorities. It will have the effect of giving us a decision as to whether we are *intra* or *ultra vires*. On account of that clause, although holding the same views that I held last year, and recognizing the advisability of having some means of relieving our Speaker when necessary, I shall vote for the second reading of the bill.

Hon. Mr. POWER—I do not propose to vote against this bill. I think the object of it is a very desirable one and one in which every member of this House concurs. It is a great pity that originally the power which is sought to be given to the Senate by this bill should not have been bestowed upon it, but that not being the case, it is much to be regretted that in 1875, when legislation was had to increase the powers of the two

Houses, this matter was not provided for. I concur with what has been said by the hon. gentleman from Barrie. I do not propose to go over again the discussion that we had last year when the bill was debated at considerable length, but I thought on the whole that the gentlemen who considered the measure was not constitutional, made out a fairly strong case. However, I learn from the hon. gentleman from Ottawa that it is impossible to see how anybody who had common sense could take the opposite view from that which is taken by that hon. gentleman. I was at first disposed to feel very much humiliated by this statement, but when I remembered the language which had been applied to a very august court by the same hon. gentleman a little while before, I did not feel so badly. I suppose my colleagues who took the same view of this measure last year that I did would be content to be put on the same level with the Lords of the Judicial Committee of the Privy Council. I may say, I understand the hon. gentleman has since intimated that his language was used in a Pickwickian sense, and under those circumstances we can all feel relieved. The hon. gentleman from Amherst has undertaken to throw a little additional light on the subject. I had heard last year of the existence of this Imperial Act of 1865—I do not know whether it was referred to in this debate or not. I do not think that it materially alters the position, because it was in existence in 1875 when it was thought necessary to pass the Act of that year in order to give the House of Commons the power which they supposed they had and the same rule of course would apply to us. The hon. gentleman from Amherst quoted from one or two sections of this Act of 1865, but I shall call the attention of the House to the 2nd section of the Act which I do not think tells in favour of the contention of that hon. gentleman :

> Any colonial law which is or shall be repugnant to the provisions of any Act of Parliament extending to the colony to which such law may relate, or repugnant to any order or regulations made under authority of such Act of Parliament, or having in the colony the force or effect of such Act, shall be read subject to such Act, order or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

If under the British North America Act we had not the power to do what we propose to do now—if the Senate could not be constituted without a Speaker in the chair, then an Act which is repugnant to that provision of the British North America Act is to the extent of that repugnancy null and void, and consequently this Imperial statute does not really and materially affect the argument. I quite concur with what has been said by the hon. gentleman from Barrie with respect to the course taken by the Government. It would have been perhaps the quickest way to reach the end which the Government were anxious to attain, had they adopted the suggestion made last session and passed an address to Her Majesty asking for power to enact this measure. Had that been done, the Act would have been passed by the Imperial Parliament last year, and we would at the beginning of this session have been in a position to have passed the measure, and it could have been done without any delay—there would not have been any opposition to it and our Act would then have gone into operation for the present session and relieved His Honour the Speaker during the present session. As it is now, there is no knowing when the legislation will become operative here. We have to pass this bill here ; it has to go the old country and be considered there by the law officers of the Crown, and every one knows they are not particularly rapid in their movements, and the benefit of this measure will not be felt until next session at any rate. It is very much to be regretted that we cannot have the benefit of the measure during the present session. Of course if the other contingency occurs—that is, supposing that the law officers of the Crown decide that we have a right to pass this measure that will be the case ; but if they decide the other way, when is the change to be made ? We shall have to deal with the matter next session, I presume, and dear knows what Speaker we will be relieving when the measure gets through.

Hon. Mr. LOUGHEED—Might I ask the hon. Minister who has introduced this bill if he had taken this into consideration —in the event of the law officers reporting this as *ultra vires* of the Dominion Parliament, whether Her Majesty could not by proclamation signify her pleasure with regard to it ?

Hon. Mr. ANGERS—Yes.

Hon. Mr. LOUGHEED—Would it not have been better to have memorialized the Imperial Parliament to amend the British North America Act and place the matter beyond any peradventure?

Hon. Mr. ANGERS—If the Government and a majority of the Senate had been of the opinion that this was not within our power, the proper course would have been to petition, but we find that a majority of the Senate and the unanimous opinion of the Privy Council is that the law is within our power and consequently it is our duty to deal with it squarely and fairly and not to vest in others duties and attributes which belong to us. Now, supposing that the majority here and in the Privy Council are all wrong and that we have not the power which we think we possess, the consequence will be that when the measure is adopted by the Parliament of Canada, the law officers reporting contrary to our contention may lead to the passing of an Act in England removing the doubt, as has already been done on other occasions. That is one way of doing it. Or the Queen may assent to the Act and signify her pleasure, which will be notified here by a proclamation. An objection has been made to the 4th clause by the hon. member from Barrie. He says even that 4th clause is contrary to the constitution, because the British North America Act says that the Governor General shall give his assent in the name of the Queen to an Act passed by the Parliament of Canada, or will reserve the same for the signification of the pleasure of Her Majesty, and it is not within the wording of the Act of 1867 to enact in the way that we propose to do. I say that it is. Surely the Parliament of Canada has the same power as the Privy Council, which is only a committee of the Parliament of Canada. Surely the same thing may be done by the principal body as by one of its committees: therefore I think that that clause is not beyond the wording of the constitution, that gives the Governor General the power to sanction or to reserve, which power to reserve is always exercised upon the advice of the Privy Council.

Hon. Mr. DICKEY—I should like to remind my hon. friend what has been done on former occasions. We passed a bill well known as the Oaths bill on which I had the misfortune to differ from the other members of the House, because I held that it was *ultra vires*. The bill was passed and sent home. What was the result? The law officers of the Crown decided that it was *ultra vires*. They did not wait until we petitioned here. Within two or three weeks afterwards a bill was introduced into the Imperial Parliament to give us that power. That is all the damage that can be done in case the worst should happen in this instance.

Hon. Mr. ANGERS—I think there is another instance in the case of the Manitoba Constitution. The Parliament of Canada gave Manitoba a constitution and the question arose whether the Parliament of Canada had the right to do so, and when it got to England they passed a bill ratifying the constitution given to Manitoba.

Hon. Mr. GOWAN—Section 4 of the bill is new to me in form, and I wish to ask my hon. friend if the clause will enable compliance with the rules laid down by the Imperial Government in respect to applications from a colony for the opinion of the law officers of the Crown on any important question which has arisen, especially questions of a constitutional nature?

Hon. Mr. ANGERS—The hon. gentleman does not wish me to answer a question that deals with the future. I should like to have the full weight of his question, and the proper way is to give notice of it.

Hon. Mr. GOWAN—I have taken this mode of doing it, and I think it is the proper way. I merely mention it now so that I may not take him by surprise in bringing it up in committee. When that clause is reached I could put the question to my hon. friend. I do not expect him to answer it now, but when we come to that clause in committee I will certainly like to know what the intention of the Government is specifically.

The motion was agreed to, and the bill was read the second time.

## BILL INTRODUCED.

Bill (W) "An Act for the relief of Orlando George Richmond Johnston."—(Mr. Clemow.)

The Senate adjourned at 5.30 p.m.

## THE SENATE.

*Ottawa, Thursday, 19th April, 1894.*

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

## IRREGULAR PETITIONS.

Hon. Mr. MACDONALD (B.C.), from the Committee on Standing Orders and Private Bills, presented their thirteenth report. He said: In the cases of all the petitions mentioned in this report there was no notice sent to the Clerk of this House of the advertisements in the local papers, and we thought it as well to report the fact to the House, in order that it may be placed on record as a warning to those who are interested in those bills, that they have neglected their duty in the matter. If the House think it advisable, the report can be referred back to the committee for further consideration. In the House of Commons, the papers were complete, but they were not sent in a complete form to this House. There is no evidence that the regular advertising has been done in the local papers.

Hon. Mr. MILLER—Had the committee any person before them representing the promoters of the bills?

Hon. Mr. MACDONALD—No; but notice was sent by the clerk of the committee to those who were interested, and only one person responded this morning.

Hon. Mr. MILLER—Perhaps some hon. gentleman interested in these petitions which have been reported upon, might move that the report be referred back to the committee. It would be very hard to prevent those people getting their legislation through, unless there is really good ground for it.

Hon. Mr. ALLAN—My impression is that it would have been better not to have reported on the petitions at all, but simply let the clerk notify those persons interested and let the petitions stand until the notices were furnished.

Hon. Mr. MACDONALD—The object in reporting was that the report might be placed on the journals of the House as a warning for the future.

Hon. Mr. LOUGHEED moved that the report be referred back to the committee for further consideration.

The motion was agreed to.

## BILL INTRODUCED.

Bill (X) "An Act respecting the Manitoba and North-western Railway Company of Canada."—(Mr. Lougheed.)

## THIRD READING.

Bill (F) "An Act further to amend the Acts respecting the Harbour of Pictou, in Nova Scotia."—(Mr. Bowell.)

## SECOND READINGS.

Bill (N) "An Act to incorporate the Wolseley and Fort Qu'Appelle Railway Company."—(Mr. Perley.)

Bill (25) "An Act respecting the Canada and Michigan Tunnel Company."—(Mr. MacInnes, Burlington.)

Bill (20) "An Act respecting the Wood Mountain and Qu'Appelle Railway Company."—(Mr. Bernier.)

Bill (29) "An Act to again revive and further amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company."—(Mr. Dobson.)

## THE SENATE DEBATES.

### MOTION.

Hon. Mr. BELLEROSE moved the adoption of the second report of the Standing Committee on Debates and Reporting. He said: I have not much to say with reference to this report. It speaks for itself. The object is to do away with the unrevised edition of the Debates and replace that by a galley which the printers will send every day to be distributed to members whose speeches appear in the report. Each senator is allowed twenty-four hours to look over the report of his speech, and after twenty-four hours it will be the duty of the reporters to send back the galleys, whether they have been revised or not, because complaints are made every day that there is too much delay in receiving the reports, and the only way to remedy that is to force members to return the galley or unrevised report in time. The second part of the report relates to the

charges for extra copies which senators obtain from the Printing Bureau.

Hon. Mr. KAULBACH—There is an unrevised edition circulated. Is that to be dispensed with?

Hon. Mr. BELLEROSE—There will be no more unrevised copies such as we have now. Instead of that the galleys will be sent here.

Hon. Mr. MILLER—Have we the power to fix the charges for extra copies?

Hon. Mr. BELLEROSE—The tariff is given by the Queen's Printer.

The motion was agreed to.

## WESTERN CANADA TRUST AND GUARANTEE CO.'S BILL.

MOTION.

The Order of the Day having been called,

Consideration of the Report of the Standing Committee on Banking and Commerce *in re* Bill (D) "An Act to incorporate the Western Canada Trust and Guarantee Corporation."

Hon. Mr. LOUGHEED moved that the report be adopted.

Hon. Mr. POWER—In looking over the Minutes yesterday at the amendments proposed by the committee to this bill, I find at least two errors. They are merely clerical errors and I presume the clerk at the table can correct them.

Hon. Mr. ALLAN—The question is whether they were in the original report.

Hon. Mr. POWER—If they are not in the original report they should go back. If the hon. gentleman is going to move that the report be referred back, I wish to observe further that the title which the committee has seen fit to substitute for the original bill is, in my humble judgment, nearly as objectionable as the original title, "The Western Canada Trust and Guarantee Company." The new title is to be the "Trust Corporation of Canada." Now, there are several trust corporations in Canada, and I think the new title is misleading. We have the Eastern Trust Corporation in Nova Scotia, and there are several other trust corporations in the country, and I think this name is liable to lead to confusion. If the report goes back to the committee they might perhaps consider the desirability of getting some less universal name.

Hon. Mr. ALLAN—It is not such an easy matter as the hon. gentleman thinks to find names not used before by any other company. The committee did look through the index relating to all the incorporated companies and we found that there was less likelihood of confusion with the name we adopted than any other, because we know how constantly these companies are mentioned by the first word or first part of their designation; and the object was to avoid that very prefix of Western. There is no other company that I know of with which this would conflict. There are two large companies in Toronto, I forget the exact designation of them, but neither of them has that word Canada in its title; and I doubt very much whether you can get one that will be less likely to lead to confusion than the one we have selected.

Hon. Mr. LOUGHEED—When the bill comes up for the third reading, if my hon. friend chooses to make a motion regarding the change of title it can then be discussed, but I might say the committee referred it to the hon. the Chairman of the Banking Committee and to the clerk and to the promoter of the bill, Mr. Symons, to change the name, and this one was selected. It does not appear to conflict, so far as I can ascertain, with the title of any of the other companies. My hon. friend from Amherst has made a suggestion in regard to the present name used, but there was an objection to that name inasmuch as it conflicted with an existing company. If the word "Western" is used it is also considered that that would conflict with another company of a somewhat similar class. I think the House had better concur in the amendment proposed by the Banking Committee inasmuch as they have reported the bill. My motion is that the report be adopted.

Hon. Mr. POWER—Without the amendments.

Hon. Mr. LOUGHEED—As they are simply clerical errors the clerk will see that they are corrected.

Hon. Mr. BOWELL—I understand they are merely clerical errors in the printing; the report itself is correct.

The motion was agreed to.

## SPEAKER OF THE SENATE BILL.

THIRD READING.

The House resolved itself into a committee of the whole on Bill (Q) "An Act respecting the Speaker of the Senate."

(In the Committee,)

On the 1st clause,

Hon. Mr. ANGERS—At the second reading of this bill an inquiry was made, and the answer to it was not given as promptly, perhaps, as the hon. gentleman who asked it might have expected. If I understand the nature of the inquiry, it is whether the fourth clause, which provides that the bill shall not go into force until Her Majesty has expressed her pleasure, will elicit the opinion of the law officers of the Crown in England and whether the bill will be accompanied with the reports of the debates upon it in the Canadian Parliament. I have no hesitation in answering the question in the affirmative. The Privy Council in England, upon receipt of such a bill, will have to advise Her Majesty as to the propriety of giving or refusing her assent. This advice cannot be given to Her Majesty before the Government inquires into the constitutional question and makes a close study of the debates in the Canadian Parliament, upon the point in question. I think, therefore, it is quite plain that when the bill passes, the Government will send it to the Secretary for the Colonies, accompanied with reports of the debates of last year in both Houses.

The clause was adopted.

On the 2nd clause,

Hon. Mr. VIDAL—I think it is well to give some attention to the argument adduced by the hon. member from Barrie yesterday. It strikes me that the word "unavoidable" is not appropriate there and should be struck out.

Hon. Mr. ANGERS—I have no very great objection to striking out the word, but it was put there to show that the Senate will have recourse to this proceeding only on unavoidable occasions—exceptional occasions. "Uncontrollable" might be a better word, but I have explained the object we have in view. It has occurred, for instance, that the Speaker, while on his way from his home to attend a meeting of the Senate, has been detained by a storm. His absence in that case was unavoidable. We do not wish to leave it to his free will to be away from the chair. I think the word should remain.

The clause was adopted.

On the 4th clause,

Hon. Mr. ANGERS—Yesterday, the suggestion was made that this provision was unusual. I do not see that it is unusual at all. The House often passes bills which are to come into force only by the proclamation of the Governor General, and this 4th clause does no more, except that instead of the proclamation of the Governor General, it is a proclamation issued at the request of the Imperial Government.

Hon. Mr. POWER—I presume that the language is borrowed from the wording formerly used in the case of Divorce Bills. The operation of the bill was suspended until the Queen's pleasure had been signified. I presume the phraseology is the same.

Hon. Mr. ANGERS—I think it is.

The clause was adopted.

Hon. Mr. READ, from the committee, reported the bill without amendment.

The bill was then read the third time on a division and passed.

The Senate adjourned at 4.10 p.m.

---

## THE SENATE.

*Ottawa, Friday, April 20th, 1894.*

THE SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

## THE HUDSON BAY RAILWAY BILL.

MOTION.

Hon. Mr. BOULTON introduced Bill "An Act to provide for the construction of

a Railway to Hudson Bay as a public work." He said: In introducing the bill I would ask the permission of the House to explain at some length the purposes of the measure. It is to provide for the immediate and economical construction of a railway to Hudson Bay and also to unite the Dominion, the province of Manitoba and the North-west Territories in one combined purpose for the construction of that road. We have heard several interesting discussions upon the utilization of the waters of the Hudson Bay and the advantages that would accrue therefrom to the great North-west Territories, which are now in progress of development, and have been so largely aided in their settlement by the construction of the Canadian Pacific Railway. A population of some 250,000 souls has already been settled in that country. The House will remember that I have already, before this session, brought up the question of excessive freight rates on the Canadian Pacific Railway. I have pointed out that where there was competition the rates on the Canadian Pacific Railway were lower than where there was no competition, and that in fact there has been discrimination against the population of that country in the matter of freight rates. A great deal of interest also has been taken in the question of opening up the Hudson Bay as a navigable route. Hon. gentlemen will realize that there is an enormous inland sea to the north of us nearly as large as the Mediterranean, larger than the Baltic, and larger than any of the great inland seas of the world, entirely surrounded by Canadian territory, but inaccessible to Canadian enterprise, and the reason that it has remained so long so is because there is already an outlet to the east, and the eastern population of Canada are not, to the same extent, interested in its development. In fact, I may say that there is a disposition on the part of some of our eastern friends to maintain the current of freight and traffic between that western country and the sea coast, in eastern channels, in order that it may not be diverted from eastern points. Hon. gentlemen will realize that we who reside in the North-west find it absolutely necessary that we should develop that competition that will lead to the more economical disposition of the products of our labour, in order that it may benefit the producers of the country at large, and unless we have the facilities for that economical disposition of the products of our labour, the country will be disappointed in the results of the efforts they have put forth to develop the great North-west. We have a rich territory, a country that Canadians may well be proud of, but it is, as I have remarked before, an inland territory, dependent upon very long railway connection to find an outlet to the markets of the world, and the power that a single monopoly possesses to discriminate against that country in its freight rates, is such that it is cramping the interests and disappointing the expectations of our people. Hon. gentlemen know that a charter for the construction of a railway to Hudson Bay, was obtained from Parliament some twelve or thirteen years ago. In fact, there were two charters obtained, one called the Nelson Valley Railway, to run from Winnipeg to York Factory, and the other, the Winnipeg and Hudson Bay Railway, to run from Winnipeg to the mouth of the Churchill River. In 1883 these two charters were amalgamated and formed what has since been known as the Winnipeg and Hudson Bay Railway Company. The terms and conditions upon which that charter was granted were such that the work had to be commenced within three or four years and completed within ten years. The ten years have elapsed and the Winnipeg and Hudson Bay Railway Company are now applying to Parliament for a renewal of their charter, and of the privileges granted them under that charter. The people of the west have for some time felt that the construction of a work of such importance leading to a sea that has yet to be developed both in the trade and traffic that may surround its shores and also the local traffic that may intervene between the settled part of the interior and the coast —they have long felt that it is beyond the capacity of a private corporation—in fact that if a private corporation is going to carry it out, aid sufficient to guarantee that private capital against all possible losses must be forthcoming, before there are hopes at all of securing the construction of the line. If the public have to find most of the security necessary for the construction of the railway it is just as well that the expenditure upon its construction should be controlled in the public interest and by the public at large, and that when its construction is completed the public should own it and control its destiny in their own interest. As hon. gentlemen will realize, there are many of those who undertake the promotion of railways in Canada and on this

continent generally, who are more interested in the financial profit connected with the construction of the railway than in the final disposition of the road after its construction. In the western sections of the country with regard to the Hudson Bay Railway the people are not so interested in the construction of the road itself as in the advantages that are to be obtained from the connection with an outlet that may possibly be a competing route for the traffic and trade of the west with the existing lines of communication, and for that reason the promotion of a railway such as I am speaking of as a public work will be found to be of great national interest to Canada and to those people of the west who have been seeking for years assistance for the promotion of this enterprise. The development of the Hudson Bay is of great importance both from the enormous amount of territory that will be brought within the range of Canadian enterprise by providing an outlet, and from the value of the fisheries in those waters—at least every one believes, and I think we have every reason to believe, that they are valuable. It has been stated on former occasions in this House that the northern waters are the best for fisheries. We know that the best fisheries in Europe are on the coast of Norway and we were informed by the present Lieutenant Governor of Prince Edward Island, while he was a member of this House, and who is a good authority on the subject, that the best fisheries of Russia are in the Arctic Ocean. The fish products of Asiatic Russia amount to $11,000,000 per annum and all European Russia to two and a half or three million dollars. It is perfectly evident that the Asiatic fisheries must have been entirely developed in Arctic waters while the European fisheries must have been in Baltic and the Black Sea and more southern waters. When Russia is able to develop fisheries in the Arctic Ocean amounting to $11,000,000 per year as compared with two and a half or three millions of dollars in European waters of Russia, it is evident that the Arctic waters contain elements of wealth to a far greater extent than the waters in more southern latitudes. Our own experience is that our fisheries are far more valuable than those of the United States. We have no positive information as to the value of our fisheries in Hudson Bay, but we know what the enterprise of the United States has done in the territory of Alaska, for which they paid $7,000,000. They have developed great wealth in the Arctic regions of that country by their enterprise. In the same way an immense fishing industry may be developed in our Hudson Bay by the opening up of this route. The best market for the fishing industry of those northern waters will be the North-west Territories and the north-western states. We have developed a large amount of fishing on Lake Winnipeg. The value of fish taken from the waters of the province of Manitoba is I believe $1,200,000. These fisheries have been developed by the facilities afforded for the distribution of the products of the fisheries. As you proceed further north there are large numbers of inland lakes containing great fishing wealth in themselves —fish of a very valuable merchantable character. The fish taken in the waters of Lake Winnipeg are distributed not only through the North-west and the north-western states, but to eastern Canada as far east as Ottawa itself. But the great fisheries of Hudson Bay will be of no value to Canada until a route is opened up by which the product of the fisheries can be distributed in the interior of the country. Other charters have been granted by Parliament to provide access to the shores of Hudson Bay. One route projected is from Sault Ste. Marie to James Bay ; another is an extention of the Toronto and Nipissing Railway to James Bay, and still another to connect the province of Quebec with James Bay. These would all accomplish the purpose that I have in view so far as our fisheries are concerned, but they would not furnish the means of distributing our fishing wealth to the west and south-west, nor would the earnings of these roads be supplemented by the trade and traffic of a highly productive country which would seek an outlet in that direction. In considering the question of the opening up of this route it is well to look at the possible development of further traffic in connection with other interests besides the fishing, in order that the construction of the road may be profitable after its completion. In addition to the fishing wealth that may be existing in Hudson Bay, there is the advantage it possesses as an outlet for the carrying trade of our north-western country. There is a doubt in the minds of the people as to what the future may have in store for us with regard to the outlet by Hudson Straits, but we know

enough to say that we should not close our eyes and declare that it is utterly impossible that that route can be made available for commerce, for a portion of the products of Canadian industry and enterprise, because as some hon. gentlemen stated here the other day, in excellent speeches that were made on the subject, we need not be astonished at anything that may be in store for us in future. The development of the human mind has been so great that the greatest difficulties are overcome by the enterprise and ability of the race of the present day. Scientific knowledge and scientific appliances that are brought to bear are such, that we need not hesitate in the promotion of any national enterprise, lest it should not come up to the expectations that we have formed from our imperfect knowledge of the circumstances; therefore we should divest our minds of the idea that we are taking any chances or risks in opening up such an enormous portion of our territory by the construction and operating of a railroad to the waters of Hudson Bay. There are evidences that our friends in Montreal are opposed to the opening of that route. When the hon. member for Welland introduced the subject of the Hudson Bay route the other day, the hon. member from Kennebec who lived in Montreal, opposed the scheme on its merits. After having identified himself with it at one time, and ascertaining the facts connected with the project, he said he thought it would not be a profitable or practicable undertaking. They may, however, result from the sources from which he derived his information—his interests do not lie in the direction of Hudson Bay, but that fact should not operate to stop the enterprise of the very large population situated in our north-western country. The interests of the east as a distributing route, will not suffer by the opening up of the Hudson Bay route, because it is well known that under the most favourable circumstances, the navigation of Hudson Straits will be limited to about four months of the year, from the 1st July to the 1st November. Beyond that period the risks and the difficulties will be so great that we are not likely to be able to profitably extend it beyond that, but four months of navigation, if it is practicable, is of immense value as an outlet for the productions of the country. For eight months of the year whatever development takes place, in consequence of the construction of the new outlet, and the competition that that route will develop, must of necessity find its outlet through eastern channels, and therefore if there is any fear in the minds of our eastern friends, situated in Montreal, as an eastern centre, that it may affect their interests, they have to compare what value the trade that will be developed by the Hudson Bay route will have on the commerce of the country for two-thirds of the year as compared with the loss of some of the existing traffic for one-third of the year, owing to its diversion to the Hudson Bay route. Whatever will develop the commerce of the country and increase its population, is bound to increase the wealth and development of all parts of the country upon the lines that have already been laid down. I do not wish to detain the House, because this bill will come up for a second reading, but as it is necessary that hon. members should know what the purport of the bill is, I wish to explain in order that when the bill does come up for second reading the House may know exactly the lines that I have laid down for their consideration, in bringing forward a bill which perhaps some may say is of an unusual character. There has been so much said about the advantages of this route by other hon. gentlemen that I will not take up the time of the House by enlarging on the subject. What I want to say is, that the private charter to which I have already referred, and which is now before the House for renewal, is promoted by a private corporation; that the aid which has been granted to that corporation amounts to 6,400 acres per mile, within the boundaries of the province of Manitoba, and 12,800 acres for the portion outside of the limits of Manitoba, and in addition, a cash subsidy of $80,000 a year for the extension to the Saskatchewan River. For thirteen years, notwithstanding the aid granted to this corporation, no advance has been made towards the construction of the road. It shows that unless this aid is greatly supplemented, it is beyond the power of a private corporation to carry out the work. It is, therefore, a matter of importance to us in the west to know that another ten years is not going by without something practical being done towards carrying out the project. The bill which I am submitting to this House provides facilities to enable the province of Manitoba and the North-west Territories to combine, in order to assist in the promotion of this enterprise. It provides that they

shall bear the cost and the burden themselves, and, inasmuch as it is a matter of national importance, that the Dominion Government shall assist them by a guarantee of the bonds necessary for the construction of the road at a rate not greater than 3 per cent interest. We have a precedent for the idea that I am now bringing before the House.

Hon. Mr. MILLER—Does the hon. gentleman think that we have power to pass such a bill in this House?

Hon. Mr. BOULTON—Yes, I think we have. However, I am prepared to submit to superior knowledge as to the constitutional powers that we possess; at all events it is absolutely necessary that I present my bill and explain its object before we are able to say whether it is constitutional or not. So far as the guarantee of the Dominion Government is concerned, this bill does not provide for that. It has to be provided for by a special Act for the purpose. This bill merely provides the machinery by which the province and the territories may unite with the Dominion and carry out the work; in so far as it is confined to that, it is within the province of this House. It is quite possible that the Dominion Government may feel that it would be better for the Government to take the matter up itself, but it is necessary, in order to move public opinion on a great question like this, that those who are most interested in the promotion of the project should provide details for a fair and honest discussion of the merits of the question. I have had no communication on the subject with the Government of Canada or the Governments of the North-west. It is an idea that I have already developed by correspondence in the public press, and I desire now to put it before Parliament for consideration. As hon. gentlemen are aware, the Intercolonial Railway was constructed in 1867, and the Imperial Parliament gave an Imperial guarantee on $15,000,000, at 4 per cent interest, and with that aid Canada was enabled to raise money for the construction of the road at a very much lower cost than it otherwise would have done at that time, and the Intercolonial Railway has been of great international importance to Canada since its construction. And such has been the progress of Canada since that day, the guarantee of the Federal Government of Canada at 3 per cent is of as much value as the guarantee of the Imperial Government was to Canada at that date. I do not think that any one in Canada will complain and say that we ought never to have undertaken the construction of that work even though it has cost a very large sum up to the present moment. I do not think anyone looking back will say that if we had to do it over again we would not undertake it. The Intercolonial Railway has been a bond of union between the Maritime Provinces and the Western Provinces, and as a public work undertaken at that time at the public cost has been of immense value. In the same way the Grand Trunk Railway was promoted in 1850 or 1851, and the Government of Canada gave by way of a loan $15,000,000 to that enterprise at the time—$15,000 a mile for a thousand miles of railway so long ago as 1854. The Grand Trunk Railway, notwithstanding that large subsidy, has been loaded down with a great many securities which have brought discredit on the country in consequence of their not being able to pay dividends upon these securities. It was a wasteful method of construction at that time, and many of those who put their money into it have felt the burden of that waste from that day to this. I do not think it is in the interest of the country that we should launch any enterprise that would have the same effect in the opening up of the Hudson Bay Railway route. It should be a public work backed up by the credit of the country and by the assets that were granted to the private corporation referred to. Then again, we have the Canadian Pacific Railway. The country gave to that railway in subsidies and otherwise equal to eighty, ninety or one hundred million dollars, as the value of the land might be computed, and although the Canadian Pacific Railway has cost the country a great deal of money I do not think any one will look back and say we have done wrong or that if we had to do it over again we would not undertake it, but what I do want to say is this, it has been a wasteful method on the part of the Grand Trunk Railway and on the part of the Canadian Pacific Railway. At the present moment the net earnings of the Canadian Pacific Railway are 3 per cent on the cost of $280,000,000, or the cost of 5,500 miles of road at $50,000 per mile. That is the burden that the traffic of the country has to bear in connection with the Canadian Pacific Railway

and in addition to a subsidy of $80,000,000 or $90,000,000, that has been granted to that enterprise. I point this out to show that it is a wasteful method and that a more economical way of undertaking it as a public work is worthy of the best attention of hon. gentlemen of this House. I am bringing it forward in the interest of our people in the western country, in order that by the opportunities that exist through our Debates the details and the information that I am able to furnish may be distributed to the public. The bill I prepared is modelled on the Intercolonial Railway bill which was passed in 1867, and seemed to be a method by which the very best economy combined with the very best workmanship could possibly be obtained. It was not an expensive road in its original construction and I believe it ranks with any other railway in the country in the excellence of its construction and its permanent way. The same results will accrue, I believe, to the Hudson Bay Railway if undertaken on the same principle. The bill provides that it shall be undertaken by commissioners, one of whom shall be appointed by the Provincial Government of Manitoba, one by the Government of the North-west Territories, and one by the Dominion Government, and one by the joint action of the three Governments, and in that way there is a community of interest. I will read that portion of the bill that deals with that question :

Whereas it is desirable to open up the Hudson Bay to Canadian commerce, and to further utilize the traffic of its waters for the cheapening of its transport for the producers of the western territories of Canada;

And whereas it is desirable that the utmost economy should be exercised in the construction of a railway that must of necessity for many years be limited in its local traffic, and dependant on its through traffic ;

And whereas the opening up of the Hudson Bay waters is of national importance and will add to the national welfare of Canada, it is desirable to assist in the construction of a railway to a port on Hudson Bay by lending the credit of the Government of Canada by a guarantee of the bonds necessary for its construction, at a rate of interest not exceeding three per cent under certain terms and conditions hereafter specified.

And whereas the chief benefit derived by the construction of a railway to connect our western territory with the Hudson Bay will accrue to the people occupying those territories, the aforesaid guarantee shall not go into force until the Legislatures of the province of Manitoba and the Territorial Governments shall pass acts agreeing to indemnify the Dominion Government against any loss that may be sustained by the guarantee of the construction bonds ;

And whereas for the better carrying out of the aforesaid contention the construction of the said railway shall be carried on by a body of four commissioners in whom shall be vested the powers necessary to hold the assets, to carry on the work of construction, and to levy rates upon the assessable property of the province of Manitoba and the territories to indemnify the Government of Canada against loss. And that the three commissioners shall be appointed one by the Dominion Government, one by the Provincial Government of Manitoba and one by the Territorial Government and one by the three Governments jointly :

Therefore in fulfilment of the duty contained in the foregoing preamble and in order to carry out the intention therein expressed and to the raising of the said loan so to be guaranteed as aforesaid, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Then follows the bill modelled on the one adopted for the construction of the Intercolonial Railway, which, in addition, provides for the transferrence to the commissioners the public aid which had already been appropriated for the construction of this railway, to be managed by them as a trust, the cash subsidy of $80,000 a year to provide for the interest during construction, the land grant as an additional security for the bonds. I will not read any more of it as it will appear in our Debates, and hon. gentlemen can read it for themselves, so that when it comes before this House for the second reading we may have an intelligent discussion upon a question that is of very great importance to the Canadian Government and people, because any population that is brought in by the Hudson Bay route will remain in the country and increase the public revenue.

Hon. Mr. McCALLUM—You could not bring them in that way without freezing them.

Hon. Mr. BOULTON—They have been coming in for 200 years that way without being frozen. It has been long used as a route for access to the great plains of the North-west. First of all it was developed by the Hudson Bay Trading Company and they carried on their trade with the interior by that route for a long time. Then we had the North-west Fur Trading Company and they found an inlet by the Canadian route. Afterwards the two companies were amalgamated and altered their route and found their way into the country by St. Paul and

through United States territory. That has since been changed and it is now by way of the Canadian Pacific Railway. If we open a road to Hudson Bay it may take its turn again as one of the routes for the development of Canada. The advantages it possessed in the past in the development of that great western country will be just as apparent when that railway is an accomplished fact as it was in the time of the old voyageurs who found their way from Churchill and Nelson to the interior of the country by the York boats on these rivers. With these remarks I beg to move the first reading of the bill.

Hon. Mr. ANGERS—I rise to a question of order. This bill, on the face of it and on the showing of the promoter, who addressed us, is not a public bill. It is a private bill prepared, I should say from the speech we have just heard, at the instance of the Government of Manitoba and the Government of the North-west Territories. It should have been preceded by a petition, and a deposit no doubt has been made for the introduction of a private bill. The Standing Orders Committee should have reported on this petition. It cannot at all be treated as a public bill. Moreover, if it were a public bill the hon. gentleman should have kept it for a future occasion when he could have the authority of the Crown for its introduction, because its enactment would authorize the levying of taxes necessary to build this work. I think, therefore, that it is not in order on either ground—if the bill is a private one it cannot be introduced at all, and if it is a public bill, it could only be introduced by and with the sanction of the Crown, and not in this House at all, but in the House of Commons.

Hon. Mr. BOULTON—I think that it is entitled to a first reading and if it is found to be as the hon. Minister of Agriculture says it is, then after the discussion on the second reading it can be ruled out. I think a bill of that description is, at any rate, entitled to its first reading in order that it may go before the House and be discussed on its merits.

Hon. Mr. MILLER—To give the bill its first reading would imply, that we know, very little of the constitution of the country. It is a bill intended clearly to impose taxation, and provides for a guarantee of the country for a great public work, and therefore could only be initiated in the House of Commons and then on a message from the Crown. We have no control over measures such as this for initiation even.

Hon. Mr. ANGERS—I would extend my objection also to the publishing of this bill in the Debates. I think the House should not allow that.

Hon. Mr. POWER—The House could by unanimous consent do that. The hon. gentleman has made a speech and it must appear. I quite agree with the hon. member from Richmond on the point of order, but the hon. gentleman should have an opportunity to give his views to the House and to the country.

Hon. Mr. ANGERS—I do not object to that at all—the speech has to be published, but the hon. gentleman made a request that the bill should be published at length in the Debates, and to that I object.

Hon. Mr. KAULBACH—I quite agree that this bill cannot be introduced in this House, for the reasons that have been given, at the same time my sympathies are with the hon. gentleman. He cannot too strongly agitate, in the House and outside of it, the project of giving a port on Hudson Bay to Manitoba and the North-west, either as a private enterprise or as a government work. and if at any time it can be done, it will be of vast importance to the Dominion.

The SPEAKER—The House seems to be perfectly unanimous as to the bill not being in order and the promoter of the bill himself has not asked for a decision.

Hon. Mr. ANGERS—I ask for a decision.

The SPEAKER—I am of opinion that the bill is out of order.

## THE FRENCH TRANSLATORS.

MOTION.

Hon. Mr. BOWELL moved :

That the Clerk of the Senate be authorized to employ such temporary assistance for the French Translators as is necessary, and to pay therefor

the same rate per printed page as that paid for similar translation in the House of Commons.

He said: In the report of the Committee on Internal Economy and Contingent Accounts, adopted last Wednesday, the duties of the extra translators to be employed was confined to the translation of bills. As the work of the translators is far behind, it is necessary that the assistance should be general.

The motion was agreed to.

## THE COMMITTEE ON THE INSOLVENCY BILL.

MOTION.

Hon. Mr. BOWELL moved:

That the Honourable Mr. Smith be added to the Select Committee to whom was referred Bill (C) intituled: "An Act respecting Insolvency," and that the said committee be authorized to send for persons, papers and records and to report from time to time.

The motion was agreed to.

The Senate adjourned at 4.10 p.m.

---

## THE SENATE.

*Ottawa, Monday, April 23rd, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## WESTERN CANADA TRUST AND GUARANTEE CORPORATION BILL.

THIRD READING.

Hon. Mr. LOUGHEED moved the third reading of Bill (D) "An Act to incorporate the Western Trust and Guarantee Corporation."

Hon. Mr. POWER—I gave notice the other day as follows:

That when the Order of the Day is called for the third reading of Bill (D) intituled: "An Act to incorporate the Western Canada Trust and Guarantee Corporation," he will move that the title of the said bill be "An Act to incorporate the Alberta Trust and Guarantee Company," and that the name of the company be "The Alberta Trust and Guarantee Company."

The Committee on Banking and Commerce, to whom this bill was referred, recommended that the title of the bill and the name of the company be altered, but it does not seem to me that the title of the bill or the name of the company is yet what it ought to be. My motion is for the purpose of trying to improve things. To a certain extent it may be an infringement on the rights of the hon. member from Calgary, but it is desirable that the company should have a proper name. As I understand it, this is a company organized in Calgary, to do business in that part of the Dominion. The title which is recommended by the committee is "An Act to incorporate the Trust Corporation of Canada." Now, that title is clearly not correct, because it is an Act to incorporate a corporation. If it is already a corporation, there is no necessity to incorporate it. You incorporate a company but not a corporation—a corporation is something which is already incorporated. There is that objection to the title of the bill. Then, this is a company to do business in the North-west, with headquarters in the district of Alberta, and the title of the bill and the name of the company should give some indication as to the sphere of action of the company when it is incorporated. When you call it "The Trust Corporation of Canada," it has the boundless Dominion for its sphere. I suggest that it would be advisable to make the territory a little smaller. Alberta has a pretty large area, and this company will find scope and room enough for their operations under that title. I therefore move the amendment of which I gave notice.

Hon. Mr. LOUGHEED—I appreciate the solicitude shown by the hon. gentleman from Halifax in reference to the title of this bill. It appears to me that the hon. gentleman assumes more anxiety at times than he is called upon to bear. Had my hon. friend acquainted himself with the facts concerning the selection of this title, he would have found that the matter was fully discussed in the Banking Committee, of which my hon. friend does not happen to be a member, and that the Banking Committee delegated to a sub-committee the selection of a name in lieu of the title which had been decided upon by the promoters. That committee was composed of the hon. gentleman from Toronto, who is Chairman of the Banking Committee, the promoter of the bill and the law

clerk, and they selected the name which appeared in the report of the committee as one not conflicting with that of any other company. Consequently, I think it but reasonable to conclude that that sub-committee was in a very much better position to determine whether this is a proper name for the company than my hon. friend who was not there when the discussion took place and is not familiar with the circumstances of the case. Permit me to say, in the first place, that the company would object to the name proposed by the hon. gentleman. He seems to wish to place a limitation on the operations of this corporation. Because this company proposes to do business in the North-west Territories, it does not follow that it may not do business as far east as Halifax. Therefore, the company object to the very local name proposed by my hon. friend. In the next place his contention is untenable that the word "corporation" should not be used. My hon. friend says that "corporation" presupposes the existence of a corporation. I would ask my hon. friend how would a corporation ever be organized if we could not give it a name as a corporation in this way? It must stand to reason that at some juncture of the history of a company a name must be given it as a company or a corporation. We are merely asking that a name be given to this company and that it be called "The Trust Corporation of Canada." I find that the report recommended that the name be changed to "The Trust Corporation of Canada." Now, inasmuch as this does not conflict with the name of any other company, and has been recommended by the committee after a very careful inspection of the names of other corporations of this description, I see no reason why the House should not confirm the report of the committee.

Hon. Mr. ALLAN—On behalf of the committee I may be permitted to say that when the bill was first introduced in the House, I, myself, objected to the proposed title of "Western Canada Trust and Guarrantee Corporation," because it was a name which conflicted with the names of several other companies—The Western Canada Loan and Savings Company, for instance, one of the largest of our loan companies. When the bill was before the committee a good deal of difficulty was found in fixing upon a title which would not clash with the name of any other incorporated company. We sent for the index to the statutes of those various companies and found that "Western Canada," "North-western" and other titles of that kind had already been appropriated, and after some little consultation we thought that a name which conflicted less with any existing company than any other was that of the Trust Corporation of Canada. There is not much force in what the hon. member from Halifax said with regard to the term "corporation." I have at this moment in view several companies that were incorporated under similar names—The Ontario Trust Corporation for instance, was incorporated under that name and therefore I do not see any objection on that ground. I think the name as it stands is not objectionable. If there is anything objectionable at all, it is perhaps that the title is a little too ambitious, but I do not understand that it is the intention of the company that their operations shall be confined to a particular portion of the North-west which would justify limiting the name to the "Alberta Corporation." These are the reasons which weighed with the committee in recommending the name submitted to the House.

Hon. Mr. POWER—With the concurrence of the seconder, and with the permission of the House, I ask leave to withdraw the motion. I might have moved to call the corporation the Universal Trust Company, but perhaps that might have been objected to.

The amendment was withdrawn and the bill was read the third time and passed.

## SECOND READINGS.

Bill (E) "An Act for the relief of Caroline J. Downey."—(Mr. Clemow.)

Bill (S) "An Act to amend and consolidate the Act relating to the Harbour Commissioners of Montreal."—(Mr. Bowell.)

Bill (X) "An Act respecting the Manitoba and North-western Railway Company of Canada."—(Mr. Lougheed.)

## WILLIAM ROPER HULL RIGHTS AND PRIVILEGES BILL.

SECOND READING POSTPONED.

The Orders of the Day being read,

Second reading Bill (J) "An Act declaring and confirming to William Roper Hull, certain water

rights and privileges in Fish Creek, in the district of Alberta."—(Mr. Lougheed.)

Hon. Mr. LOUGHEED—I wish to explain to the House that this bill has been postponed on the Order Paper in anticipation of the Government bringing down a general Irrigation Bill. I therefore desire, with the indulgence of the House, to have it remain on the Order Paper until that juncture shall have arrived. I therefore move that the Order of the Day be discharged and that the second reading of the bill be fixed for this day week.

The motion was agreed to.

## PUBLIC HARBOURS BILL.

SECOND READING.

Hon Mr. BOWELL moved the second reading of Bill (U) " An Act respecting Public Harbours."

Hon. Mr. POWER—Perhaps the hon. gentleman will give some explanation of this bill.

Hon. Mr. BOWELL—I did that at the introduction of the bill. The first clause gives power to the Government to extend the area of any harbour. I think the hon. gentleman will remember that when I called attention to this provision before, he mentioned that the language used in this clause conveyed the idea that a harbour might not be wholly covered with water. I explained then that there might be an island in the harbour and under those circumstances it would be necessary to take power to extend the limit beyond the island. The second clause provides that any public harbour created by proclamation under this Act shall be deemed to be a port within the meaning of the Harbour Masters' Act. The third clause provides for giving power to the Government to make such regulations as may be necessary for the government of said harbours. The last clause provides a penalty for not carrying them out. I might mention that the necessity for this bill was more particularly brought under the notice of the Department of Marine and Fisheries on account of the depositing of ballast by a number of seagoing ships in the roadstead at the entrance of the harbour of St. John, New Brunswick. The harbour does not extend sufficiently far to enable the corporation, which derives its powers by royal charter, to prevent ships from depositing the ballast which they may have, or any other rubbish, in certain portions of the roadstead. They represented that these deposits are filling up that portion of the entrance to the harbour of St. John, and they ask that power be given to extend the harbour so as to bring that portion of the bay within the limits of the harbour. It is a very necessary provision. The only fear that was expressed by my hon. friend to my left was that we were taking certain powers from the royal commissioners and from the corporation of the city of St. John. The bill does not interfere in any way with any of the powers or rights which are given to any corporation under royal charter or by special act of Parliament.

Hon. Mr. POWER—No doubt it is a very meritorious act on the part of the Government to try to improve the harbour of St. John. The only question with respect to this bill is that it is general in its provisions. Nobody would dream of objecting to it if it related only to the harbour of St. John. I do not speak against the bill in any sense, but there are one or two features of it which deserve the attention of the House before it goes through. Hon. gentlemen are probably aware that there had been a conflict of jurisdiction between the local legislatures and the Parliament of Canada with respect to what are called the foreshores. There was a decision by the Supreme Court of Canada in a Prince Edward Island case, the case of Holman and Green, to the effect that the foreshores come under the jurisdiction of the Parliament of Canada. The decision of the Supreme Court of Prince Edward Island had been given unanimously the other way, and the counsel who was engaged in the case on behalf of the owner of the property whose views had been sustained by the Prince Edward Island Court, was perfectly satisfied that if this case had been taken to the Judicial Committee of the Privy Council, the decision of the Supreme Court of Canada would have been reversed, and the decision of the Prince Edward Island Supreme Court been sustained. The Government of Canada indicated that the law as laid down in this case of Holman and Green, was not altogether satisfactory, because some two years ago a Government measure was passed here which placed the foreshores throughout the country as a rule under the jurisdiction of

the local governments. Under this bill, if it become law, the Government may by proclamation decide that any bay, even though it is not used as a harbour at all, may be declared to be a harbour. The Government could claim under this Act that they had jurisdiction over it, and then a port warden could be appointed, even though no vessels went to the harbour. I do not think it is probable that anything of the sort will be done, but it might occur if this bill were to become law, and the question of jurisdiction deserves the serious consideration of the Government. I presume it will receive that consideration. The Governor in Council under these regulations may take the greater part of the foreshores of the country and make regulations and provide penalties for the infringement of those regulations. The language of the bill is rather sweeping, and before the measure is finally passed here, the Government might take steps to have the language to some extent limited.

Hon. Mr. DEVER—It seems hardly right for any member of this House to indulge in petty sarcasm whenever the name of St. John is mentioned. We know St. John has no jealousy towards Halifax. Our harbour will accommodate the largest ships afloat. We have a depth of 27 feet of water at lowest tide. The largest ship in the British Navy entered our harbour a few months ago, a ship that drew 27 feet of water, and remained there at low tide. Under these circumstances it is hardly right that hon. gentlemen should indulge in such sentiments towards St. John. Halifax, we admit, has a fine harbour and is a fine city, but its harbour is not visited with such a large class of merchant shipping as that which comes to St. John. But there is no reason why we should not get along without these petty jealousies on the part of the two cities on the maritime coast. I appreciate the desire of the Government to improve the harbour of St. John, if it is necessary to improve it, but it strikes me that there is no necessity to deepen the entrance to the harbour, except in connection with the recent improvements, when a large quantity of ballast was unnecessarily and in violation of the contract deposited in the channel. The Common Council of St. John have always provided wharfs and improvements and placed our harbour in such a position that to-day we can accommodate any commerce that Canada may have or that the world may offer us without any danger of vessels finding a deficiency of water or impediments that might interfere with navigation in the slightest degree. Therefore, I think the hon. gentleman from Halifax should not be so ready to indulge in assumptions that are incorrect as to the navigation of the harbour of St. John.

Hon. Mr. WARK—One reason why such legislation as this is necessary is that very frequently vessels on arrival may be prevented by strong outward currents or unfavourable winds from casting anchor and to save time and expense begin to discharge their ballast so near the entrance of the harbour as to injure it. By this means they utilize the labour of the crew who would otherwise be idle during the detention and save the expense of labourers to discharge the ballast inside and perhaps teams to haul it away. The bill will enable the Government to extend the limits of the harbour and give the corporation control over such extension and thus prevent obstructions at its entrance.

Hon. Mr. KAULBACH—Whether this was prompted by the condition of St. John harbour I do not know, but it is important legislation. I know the port of Lunenburg does not cover a sufficient area to prevent people throwing ballast and débris too near the entrance of the harbour. Several years ago some vessels dumped their ballast in a place where it had to be dredged out again, and therefore I am glad to see this bill introduced. I know the same difficulty is experienced not only at Lunenburg and St. John, but in other ports, to the detriment of navigation.

The motion was agreed to and the bill was read the second time.

## BILLS INTRODUCED.

Bill (34) "An Act respecting the Bell Telephone Company of Canada."—(Mr. McMillan.)

Bill (30) "An Act representing the Atlantic and North-west Railway Company."—(Mr. MacInnis.)

The Senate adjourned at 4 p. m.

## THE SENATE.

*Ottawa, Tuesday, April 24th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READING.

(Bill 20) "An Act respecting the Wood Mountain and Qu'Appelle Railway Co." (Mr. Bernier.)

## LINDSAY, BOBCAYGEON & PONTYPOOL RAILWAY CO.'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY from the Committee on Railways, Telegraphs and Harbours, reported Bill (29) "An Act to again revive and further amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company."

Hon. Mr. DOBSON moved that the bill be now read the third time.

Hon. Mr. VIDAL—I call the attention of the House to the fact that this motion is in direct violation of Rule 70. That rule is explicit. It provides that no private bill shall be read the third time on the day it is reported from committee. It will be necessary to move the suspension of the rule before it can be done.

Hon. Mr. DOBSON moved that the bill be read the third time to-morrow.

The motion was agreed to.

## REPORTS ON PRIVATE BILLS.

Hon. Mr. MACDONALD (B.C.), from the Committee on Standing Orders, presented their fifteenth report, recommending that as the time limited for receiving reports on private bills will expire on the 26th instant, that that part of Rule 52 which relates to the same shall be dispensed with for the remainder of the session. He said: The extension of time may perhaps be considered too long, but it does not give any relaxation so far as the public are concerned. It is a matter of internal economy and routine. It gives time for the members of the House to report up to a later period of the session.

Hon. Mr. MILLER—I think it is without precedent to recommend an extension for the whole of the session. We are only in the early part of the session yet, and to suspend a rule of that kind for the remainder of the session is, I think, unusual. I do not intend to oppose it, but I doubt if there is any precedent for it.

## BILL INTRODUCED.

Bill (Y) "An Act respecting the arrest, trial and imprisonment of youthful offenders."—(Mr. Allan.)

## PUBLIC HARBOURS BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (U) "An Act respecting public harbours."

Hon. Mr. FERGUSON, from the committee, reported the bill without amendment.

Hon. Mr. BOWELL moved the third reading of the bill.

Hon. Mr. POWER—Strictly speaking the hon. gentleman should move the suspension of the rules.

Hon. Mr. BOWELL—Public bills can be read the third time if there is no amendment. The rule only applies to private bills.

Hon. Mr. POWER—I thought we made amendments.

Hon. Mr. BOWELL—They could scarcely be called amendments. They were merely corrections of clerical errors. Rule 41 says that no bill shall be read twice the same day; no Committee of the Whole House shall proceed on any bill the same day the bill is read a second time; and no bill shall be read the third time the same day that the bill is reported from the committee when any amendments have been made in the committee. It really implies that it can be read if no amendments are made. I have no objection to let it stand, however.

Hon. Mr. POWER—I am simply calling attention to the rule; that is all.

The motion was agreed to and the bill was read the third time and passed.

The Senate adjourned at 3.50 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, April 25th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## HARBOUR IMPROVEMENTS AT MONTREAL.

MOTION.

Hon. Mr. DESJARDINS moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House:—

Copies of all reports of the Harbour Commissioners of Montreal, and of all reports of engineers, plans and correspondence concerning the extension and improvement of the harbour of Montreal; also copies of all reports concerning the progress of the works and the expenses incurred up to this date.

Also, copies of all contracts with companies or individual persons according grants or leases of sections or spaces on the wharfs for their exclusive use, as well as of all applications therefor received and not granted since 1889.

Also, copies of reports upon the measures adopted to give different railway companies equality of access to and of running powers on the wharfs, as well as of all correspondence and representations by railway companies on this subject.

The motion was agreed to.

## THIRD READING.

Bill (29) "An Act to again revive and further amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company."—(Mr. Dobson.)

## THE SAFETY OF SHIPS AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the whole on Bill (G) "An Act to further amend the Revised Statutes, Chapter 77, respecting the safety of ships."

(In the Committee.)

On the 1st clause,

Hon. Mr. POWER said: I gathered from the observations made by the hon. Minister on the second reading of the bill that the object of this legislation is to give a little more freedom to the movements of our ships without bringing them under the provision with respect to deck loads. This bill hardly carries out the intention of the Minister, if that is his intention. Section 7 of chapter 77 of the Revised Statutes says that no master of any ship "when sailing after the 1st day of October or before the 16th day of March in any year on a voyage from any port in Canada to any part of Europe shall place or permit to be placed," and so on "on any part of the upper deck of such ship" certain sorts of timber. That was the provision in section 7 of chapter 77 of the Revised Statutes and there is a similar provision in the 8th section of that chapter. The provision refers to a vessel going from any port in Canada to any port in Europe. In 1889 an Act was passed, chapter 22 of the statutes of that year, amending this chapter 77 of the Revised Statutes. There was this alteration in the language of the 7th and 8th sections of the chapter of the Revised Statutes:

Subsection 1 of section 7 and section 8 of the said Act are hereby amended by striking out the words "port in Canada to any port in Europe" in the 3rd, 8th and 9th lines thereof respectively, and inserting the words "port or place in Canada to any port or place out of Canada, not being a port or place in the United States, Newfoundland, St. Pierre, Miquelon, Bermuda, the West Indies or South America" in lieu thereof.

Hon. gentlemen will see that in the language of the chapter of the Revised Statutes the law with respect to deck loads applied only to vessels sailing to ports in Europe; under chapter 22, of 1889, the provisions were extended to other ports not being ports in the United States, Newfoundland, St. Pierre, Miquelon, Bermuda, the West Indies or South America. Under that amendment of 1889 a vessel could go to any port in South America, and not come under the provisions of the Revised Statutes with respect to deck loads. The bill which is before

us proposes to limit the powers of our shippers still further. Instead of allowing them to go to any place in the West Indies or South America, it will allow them to go to the West Indies, and the West Indies are made to include any port or place on the mainland between the Gulf of Mexico and the south-eastern extremity of French Guiana. Now, there is a very large portion of South America, beyond French Guiana, with which our vessels trade. There is a great deal of trade between Canada and Brazil, and a very large trade, particularly in lumber, between Canada and Uruguay, the principal port of which is Montevideo, and Buenos Ayres the principal port of the Argentine Republic. As I understand this bill —and I submit my views to the Senate with all proper deference—if it becomes law the prohibition as to deck loads will apply to vessels going to Brazil, Montevideo and Buenos Ayres. There does not seem to me to be any sufficient reason for extending the prohibition to vessels going to those places. Once a vessel gets as far as French Guiana there is no probability of her meeting with tempestuous weather anywhere north of Buenos Ayres. If she were going round Cape Horn to the west coast of South America, she would be very liable to meet with tempestuous weather, but as far as Buenos Ayres she is not, and in the interest of the lumber shippers of Canada it is not desirable that this deck load law should be applied to vessels trading to Brazil, Uruguay and the Argentine Republic, I hope the hon. gentleman will see his way clear to so amend the bill as to allow the law upon that particular point to remain as it is.

Hon. Mr. KAULBACH—The hon. the the leader of the House said he thought that this bill embraced South America. As it does not do so, I hope he will extend it as far as he says it should go. After passing the Gulf of Mexico, or West Indies, sailing is less difficult or hazardous and there is not the danger to shipping that there is in the Gulf of Mexico. There is a large trade with South America, as my hon. friend says, and I hope this bill will be extended to include South American countries. I am sure there is no objection to it on the part of the insurance companies. I can speak for the companies in which I am interested ; they see no difficulty, and make no extra risks on vessels going to South America. Of course, if vessels were going round the Horn it would be another thing, but if the operation of the bill is confined to the eastern coast of Brazil and the places that my hon. friend mentioned, there is no reason why it should not be extended, whilst it would benefit the trade and place us on an equal footing with vessels carrying deckloads to the same ports from the United States.

Hon. Mr. MACDONALD(P.E.I.)—There is something in the remarks made by the hon. gentleman from Halifax. I do not see why these ports should be excluded from the right which is accorded to the vessels bound to the Gulf of Mexico. It appears to me a very singular thing that while a vessel is permitted to go to those distant points and to foreign ports, and carry a deck load as provided for in this Act, the same vessels going on a part of that voyage cannot carry the same load. If ships are prohibited from carrying deck loads under this Act to ports in the United States of America, the provisions of the Act appear rather singular. There is also a difference between the present bill and the Acts that we have now on our Statute-book. In the 16th clause of this bill it is provided that vessels may carry a deck load up to 6 feet to ports in the West Indies and certain ports in South America. Under the former Act the limit was four feet and a half, or not higher than six inches over the rail, which I think was a wise and prudent provision to make in a case of this kind ; but I contend that to permit vessels, such as very frequently sail from the coasts of Nova Scotia and Prince Edward Island and from other Canadian ports, to take lumber to the West Indies and to ports in the Gulf of Mexico with deck loads up to six feet is imprudent and dangerous. It is risking the lives of the crews of those vessels to take such heavy deck loads. We know many of those vessels are used in the fishing business in the summer—very fine schooners, it is true, but generally having low rails, perhaps two feet and a half or two feet eight or nine inches in height, and if they are to take a deck load of three feet above the rail, it must be a very risky business indeed. The law which we are about to pass is very different from the laws in force in Great Britain with respect to carrying cargoes of this kind, and I think that the former Act under which

the vessels were permited to take deck loads of four and a half feet, or six inches over the rail, was quite sufficient for vessels of small capacity such as are owned in the ports of Nova Scotia.

Hon. Mr. POWER—The hon. gentleman from Charlottetown, in the course of his observations, has condemned, not the suggestion which I have made, but the existing law altogether. The point which I make is this: If you allow a vessel to go to the United States and to the West Indies and to Newfoundland with the deck load mentioned in this bill, there is no reason why the same vessel should not be allowed to go to ports in South America south of British Guiana. I did not make my remarks as clear as I might have made them, perhaps. The clause which is now before the committee defines the term "West Indies," and it gives a more extensive definition to "West Indies" than the usual one, but if hon. gentlemen will look at the Act which is to be repealed by the bill now before us, they will see that less liberty will be given to our ships under this proposed enactment than they have at present.

Hon. Mr. BOWELL—Not at all.

Hon. Mr. POWER—This is the 4th section of chapter 22 of 1889:

> Subsection 1 of section 7 and section 8 of the said Act are hereby amended by striking out the words "port in Canada to any port in Europe" in the 3rd, 8th and 9th lines thereof respectively, and inserting the words "port or place in Canada to any port or place out of Canada, not being a port or place in the United States, Newfoundland, St. Pierre, Miquelon, Bermuda, the West Indies or South America" in lieu thereof.

The prohibition as to deck loads does not apply under this Act of 1889 to vessels going to the United States, Newfoundland, St. Pierre, Miquelon, Bermuda, the West Indies or South America. The third clause of the bill before us says:

> No master of any ship, when sailing after the first day of October or before the sixteenth day of March in any year, on a voyage from any port or place in Canada to any place or port out of Canada not being a port or place in Newfoundland, or in the United States of America, or in St. Pierre, or in Miquelon, or in the West Indies.

And it leaves out South America altogether so that vessels, which at the present time are allowed to go to Brazil and Buenos Ayres and Uruguay, will not be allowed to go there, if this bill becames law. There is no reason for the prohibition.

Hon. Mr. BOWELL—Would the hon. gentleman inform the House in what respect the bill before the House interferes with clause 4?

Hon. Mr. POWER—I have tried to do it, but I am afraid I have not made myself clear. Clause 3 of this bill exempts only Newfoundland, the United States, St. Pierre, Miquelon and the West Indies, and section 4 of the Act of 1889 exempted also South America; the West Indies is so defined in this bill as to include the coast of South America as far as the south-eastern extremity of French Guiana; and that leaves under the operation of the deck load law all the portion of South America lying to the eastward and southward of French Guiana, and that portion of South America includes Brazil, Uruguay and the Argentine Republic.

Hon. Mr. KAULBACH—I think my hon. friend from Prince Edward Island understood that this bill applies to vessels going to the United States. Such voyages are not affected by this bill and the United States are not restricted in carrying deck loads to the West Indies and South America as we are. They are not interested there as regards deck loads at all; it simply restricted them as regards the Gulf of Mexico. Now my hon. friend has some knowledge of the class of vessels owned in Nova Scotia; I do not know whether they have any in Prince Edward Island engaged in this trade, but in Nova Scotia they are all constructed for this kind of deck load, and are said to be safer with it than without it, and when a vessel gets to Gulf of Mexico or West Indies all the danger is comparatively over from that point. It is between Nova Scotia and the Gulf of Mexico that there is any danger.

Hon. Mr. BOWELL—It appears to me the hon. member from Halifax is arguing from wrong premises altogether. The object of the bill now before the House is to extend privileges to the shipping trade of the country. At present there are restrictions which prevent the loading of vessels beyond a certain extent. The object of the bill is to permit them to load to six feet, and to pre-

vent, as we necessarily must do, the carrying of deck loads beyond a certain height upon vessels going to England ; for the reason that the Imperial statute makes certain provisions which we have no power to override, and if vessels were to load beyond the height prescribed in the Imperial statute, they would be subject to seizure and penalties as the hon. gentleman knows. Another object in this bill, although we are discussing the whole of it instead of clause by clause, as I think would be much more convenient while in committee, is to give a wider interpretation to the expression "West Indies." In the past the words "West Indies" simply, without defining the meaning, have been construed by many to refer only to certain islands in the West Indies. I called the attention of the Minister of Marine and Fisheries the other night after the debate to the remark made by the hon. member from Halifax in reference to the restriction. He said "quite the contrary," that while this defines what is to be meant in the future by the term "West Indies," giving the words a wider range than they had under the old law, a vessel may be loaded under this clause six feet above her deck and can go to any portion of Mexico, South America, the Argentine Republic, anywhere except across the Atlantic to England. There is no restriction in this law as the hon. gentleman has called attention to in the House nor is it the intention. I will call the attention of the Minister of Marine to the remarks made by the hon. gentleman, but I see no provision in the Act to prevent a vessel going to any part of South America. In defining what the "West Indies" means, it does not necessarily follow that a vessel with a deck load could not go to the Sandwich Islands or to Australia or to the Argentine Republic or any portion of the Pacific Ocean. If the clause could possibly bear that interpretation I am quite sure that the Minister of Marine would have included South America with the other countries. With this explanation I think the hon. gentleman will see that it is not only not the intention of the Government to restrict the operations of Canadian vessels, but on the contrary it is to widen and to remove the difficulties of interpreting the law which has been on the statute-book in the past.

Hon. Mr. POWER—It is perfectly true this is more extended than it is under the ordinary interpretation. I simply called attention to the point which I wished to make, that an amendment should be made, not here, but a little further on when we come to the third clause.

Hon. Mr. MACDONALD (P.E.I.)—I do not at all agree with the hon. gentleman from Lunenburg. The United States, I take it, under the bill which is now before us, is in a different position from Newfoundland or certain other ports. Under the clause referring to the ports the following is provided :

> 3. No master of any ship, when sailing after the fifteenth day of November or before the sixteenth day of March in any year, on a voyage from any port in Canada to any port in the West Indies, and during the voyage while within Canadian jurisdiction, shall, if she is a single decked vessel, place or cause or permit any cargo whatever to be placed or remain upon or above the deck to a height of more than six feet above the deck.

Now I take it that under that a vessel cannot carry the same quantity of deck loading to a port of the United States that she can to a port of the West Indies or South America.

The clause was adopted.

On the third clause,

Hon. Mr. POWER—This clause, in my humble judgment, needs amendment. I am not questioning the intention of the department at all, but in this House we have to judge of intentions by the bills submitted to us. I hope that I shall be able to make it clear to the hon. Minister that the language of this bill is not as extensive as was intended, that is, that the exemption from the deck load law is not as extended as the exemption which exists at present. The exemption at present existing is contained in section 4 of chapter 22 of the Acts of 1889, and section 7 and section 8 of the chapter of the Revised Statutes, which has already been quoted. Now the deck load law applies to any port in Europe and also any port outside of Canada, which is not in the countries mentioned. That is the law as it stands to-day, and under it we can go to any port of South America without coming under the prohibition contained in the deck load law. If this bill passes what will be the case? In this third clause there is no mention of South America at all.

Hon. Mr. BOWELL—I have no objection to inserting South America.

Hon. Mr. POWER—I move that after the words "West Indies" the words "South America" be inserted.

Hon. Mr. MACDONALD (P.E.I.)—That, perhaps, would be more extensive than was at first intended. There are ports in South America which vessels cannot reach without going round Cape Horn.

Hon. Mr. BOWELL—They are not likely to go that way, therefore there can be no objection to the amendment.

The motion was agreed to, and the clause was adopted.

On the title of the bill,

Hon. Mr. SCOTT—As I understand, this is a departure from the principle which governs the English laws in reference to deck loads. That is, the Act is not in harmony with the English law. We are allowing deck loads to a greater height than is permitted under what is known as the Plimsoll Act. I presume the Government have received sufficient information to justify the change, and I presume it is predicated on the assumption that there is less danger going south on the eastern side of the American continent, and even round Cape Horn, than in crossing the Atlantic Ocean. Those who are not familiar with navigation and have not made a study of this subject, are somewhat startled at the change, because we know it took many years to educate the public mind, in England, to the reduction of the deck load to conform to the deck load as provided under the Plimsoll law, and unless we had very good grounds for departing from that principle, it would seem to me to be rather an unwarrantable infringement on a recognized principle. I speak subject to correction, because I do not profess to know anything more than I have gathered on the subject from general reading.

Hon. Mr. KAULBACH—In Nova Scotia the men engaged in this business and the insurance officers who know what they are about and have a proper regard for the safety of life and property, have for years been pressing on the Government to make this change. The present law, they consider, is an unnecessary restriction on the trade of the country, and giving the United States advantages in the carrying of deck loads. It is considered in the interest of our trade, and it is only after long and tedious supplications that the Government are taking action.

Hon. Mr. BOWELL—The hon. leader of the Government is correct in saying that this is a deviation from the principle of the English Act, but it does not apply to vessels sailing between Canada and England. It gives to Canadian vessels in any part of Canada that are engaged in this particular trade the right to carry the same deck load that is carried by a United States vessel or a European vessel other than English, going to those ports. At present they are under very great disadvantages in that respect, and consequently foreign ships compete very successfully with Canadian vessels. It has been decided after a good deal of investigation that there is no danger in allowing vessels to load to the height of six feet on the deck when they are going to the West Indies or ports on the Pacific coast as provided in this Act, though there might be a danger in crossing the Atlantic. But whether that be true or not, the English law prevents us from trading with England in the same manner that we can trade with other countries.

Hon. Mr. VIDAL, from the committee, reported the bill with amendments which were concurred in.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

### MOTION.

Hon. Mr. MACDONALD (B.C.) moved the adoption of the fifteenth report of the Committee on Standing Orders. He said: This report is to suspend the part of Rule 50 which relates to reports of Committees on Private Bills. It is thought by some that the time is too long, but in the House of Commons there is no limit to the time for receiving reports of committees, and there can be no harm in extending the time to the end of the session.

Hon. Mr. KAULBACH—I think that is asking rather too much of this House. The rules have just been revised and to ask now for an extension of time to the end of the session would indicate, if such a thing is desirable that the rule should be changed.

Then my hon. friend must see that if the report of a committee may be brought in at the end of the session, the whole of that rule should be extended.

Hon. Mr. MACDONALD (B. C.)—The portion relating to the reception of petitions was extended some time ago.

Hon. Mr. KAULBACH—It was not such an extension as the committee now recommend. It is asking too much. If any special case comes up requiring the indulgence of the House, it might be granted; but to interfere with the general rule and extend it as my hon. friend asks is demanding too much. It might delay the consideration of a private bill until the end of the session and imperil its passage. I think the extension should not be so great.

Hon. Mr. VIDAL—Being a member of that committee and having agreed to the report which has been submitted to the House, to recommend the suspension of this part of the rule, it may be well to call attention to the fact that it is a part of the rule which has no very great significance beyond the mere management of our own business—no public interests whatever are affected by it. The public interests are sufficiently guarded by the provision which we have made that no petition shall be presented and no private bill shall be introduced after a certain date. Those two provisions cover all that can come before the House, and this other one is just a matter between the committee and the House. The sixth week of the session will end to-morrow and it appears to me that while the other provisions are very desirable in order that business shall be conducted properly, this latter part of the rule interferes with the action of our committee. The committee in discussing a bill may be anxious to obtain additional information on some of the things connected with it. Why should they not have it? What reason can there possibly be that the hands of our own committee shall be fettered in any way?

Hon. Mr. KAULBACH—They can get an extension by asking for it.

Hon. Mr. VIDAL—Why make it necessary to ask for it in every instance? The committee is asking now that the rule be suspended in order that they may be free to act and take whatever time may be necessary for the proper consideration of a bill and not hurry through. I can see no valid objection to the House adopting the report of the committee and suspending that part of the rule.

Hon. Mr. BOWELL—This rule was adopted for some purpose and that purpose must have been to facilitate the business of the Senate. If the concession be made as indicated by my hon. friend from Sarnia, then there is no necessity for having the rule at all. The object, I take it, is to inform people having business with the Senate that there is a time in which they must present their petitions and have their bills introduced. Otherwise they might be introducing new bills just at the very end of the session when there would be no time to take them into proper consideration. If the circumstance should arise that the hon. gentleman from Sarnia has called attention to, that is that the committee desire to obtain further information before they would consider themselves justified in reporting to the House upon any bill, they could report the reasons for asking that the rule be suspended so far as relates to that case and that no public interest would be injured thereby. I am giving my own individual opinion only, but I should be inclined to make the rules as rigid as possible. Otherwise there is no object in having them. It is too much the habit (I have seen it in the House of Commons and there is much more laxity in this House) that people put off doing that which the rules provide for until the very last moment, and if they find that the Senate will be lax in enforcing its rules they will pay less respect to those rules than if they were obliged to comply with them literally. I would suggest an extension for a limited time, particularly if my hon. friend's motion is to prevail, that this Senate adjourn for a week or so, by which those desiring legislation would be prevented from complying with the rules. I would suggest the middle or the end of May.

Hon. Mr. McKAY—The hon. gentleman's argument is very good with reference to the first part of this rule, but is not applicable to the latter part. The rule in the House of Commons gives the committee up to the last hour of the session to report, and if

these bills come down here towards the end of the session we will require a separate motion for each one of them. Every bill that passes here must come before our committee and it may come in the last week of the session and we should have time to report.

Hon. Mr. LOUGHEED—I would point out a further difficulty in regard to this matter. This rule fifty-two has a very much more restricted meaning than the committee who revised the rules were disposed to give it. It prevents the consideration of any private bill, even by the committee, after the expiration of six weeks. Now it is quite manifest that any private bill coming to this House must necessarily be sent to a standing committee. For instance, the Committee on Railways, Telegraphs and Harbours is a committee that has to deal with private bills, so is the Banking Committee, and the Committee on Miscellaneous Private Bills. I do not think, according to the practice of this House, that the rule would apply to such bills as I refer to, but the rule is so drawn and is so wide in its application that it would undoubtedly apply to all private bills. I therefore think it is impractical to observe the rule according to its letter.

Hon. Mr. ALLAN—This rule, as it stood in our rules before, applied to petitions presented for private bills in this House and to private bills introduced in this House, and did not apply to private bills coming up from the House of Commons, which must necessarily come at a much later date in the session. If the time were limited as to them in the same way as to bills introduced in our own House, it would of course stop them at once. But hon. gentlemen may observe that whereas the time for presenting petitions for private bills to the Senate is limited to three weeks, and for introducing private bills is limited to four weeks, the time for receiving any report on any of these bills is extended six weeks—that is to say, the committee have a fortnight to report on any bill after it has been referred to them. It has been the practice in this House for years to extend the time for presenting petitions and private bills. Whenever a motion of that kind is introduced extending the time for presenting bills beyond the four weeks, then it would be proper for the Committee on Standing Orders to recommend that there be a corresponding extension of the time within which they can be reported upon the case of reports of committees, and that is all that should be asked for.

Hon. Mr. MACDONALD (B. C.)—A motion was made by the Minister of Trade and Commerce for the extension of the time for receiving petitions for private bills. The rule refers to all bills—it does not specify any class of bills. Our recommendation does not refer to petitions, it merely refers to reports of committees.

Hon. Mr. BOWELL—If the hon. gentleman will read the whole of the clause he can put no interpretation on it but that of the hon. gentleman from York. If the interpretation which is placed on this clause by the hon. member from Truro and the hon. member from Victoria is correct, then you will be legislating contrary to law in passing any bill which comes from the lower House unless you suspend the operations of the rule for the time being. The clause provides that no petition for private bills shall be received by the Senate after a certain time. If you read the whole of the rule you will see that it relates to bills introduced in the Senate. I am speaking now of the old rule, which is similar to that which was adopted the other day. It simply fixes the time within which petitions shall be received, for the consideration of them, and for the working of the committees, and if the bills which have been presented to the Senate had not been presented within the limit provided in this clause, then the committee certainly could not report upon them. It also declares how long the committee shall have to consider bills presented for adoption by this House. I do not think by any possible stretch of interpretation you could make that apply to bills coming from the Commons.

Hon. Mr. MACDONALD (B. C.)—If that is the interpretation of the rule it should be amended and made more clear, because it says we cannot bring in "any report"; it does not specify a report of a bill introduced in the Senate.

Hon. Mr. ALLAN—You must read all the clause together, you cannot separate one part of the clause from the other.

Hon. Mr. MACDONALD (B. C.)—I do not know whether the House can amend a report or not.

Hon. Mr. BOWELL—No.

Hon. Mr. MACDONALD (B. C.)—Then I move that the report be referred back to the committee.

Hon. Mr. VIDAL—I am inclined to adhere to the opinion I have expressed. I consider the provision which is made in the rule, that there shall be no neglect on the part of the persons applying for legislation, is maintained. The committee does not ask that there should be the least interference with the time allowed for presenting a petition for a private bill. It merely asks that the time for making a report should not be limited—that it is inconvenient to have the time limited in that way. It is a matter of management between ourselves, and why the committee should, under any circumstances, be hampered as it were, or restricted from taking all the time needed to examine the bill and obtain information from a distance, I cannot understand. I am quite sure that if the committee had named a day a month hence, the matter would have passed without a word.

Hon. Mr. POWER—I ask the hon. gentleman if all the bills introduced into the Senate have been reported upon ?

Hon. Mr. MACDONALD—They do not all come to us ; they go to other committees.

Hon. Mr. POWER—I think the ground taken by the hon. gentleman from York and the leader of the House is undoubtedly correct as to the substance of the rule, because while we may control the introduction of petitions and bills in this House and deal with the reports upon bills which have been introduced in our own House, we cannot undertake to control the action of the other House, and in the other House, as I understand it, reports of committees on private bills are accepted up to the end of the session. If a person seeking a private bill has introduced it in the House of Commons and has complied with the rules of that House and his bill comes up here at any time before the end of the session we could not refuse to consider that bill simply because it has been detained in the Commons beyond the time mentioned in our rules. I feel very sorry to have to admit it, but I am afraid that the wording of the rule is not just what it might be ; and no particular harm can be done by adopting the report of the committee. Probably we had better adopt the report now, because after all, as I believe all the bills introduced here have been reported upon, no harm will be done, and the relaxation of the rule asked for by the committee will apply only to bills coming from the Commons, and which we would be bound to receive. It certainly was not the intention of the committee which revised the rules to interfere with bills coming up from the Commons.

Hon. Mr. BOWELL—Certainly not, and it does not say so either.

The motion was agreed to.

## BILL INTRODUCED.

Bill (35) "An Act to amend the Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada."—(Mr. Power.)

The Senate adjourned at 4.40 p.m.

---

## THE SENATE.

*Ottawa, Thursday, April 26th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE BALFOUR DIVORCE CASE.

### MOTION.

The petition of James Balfour, of the city of Hamilton, praying that certain exhibits filed in his divorce case last session be restored to him, being read,

Hon. Mr. LOUGHEED said: In reference to the petition of James Balfour, which has just been read at the Table of the House, I move that this petition be referred to the Committee on Divorce, for the purpose of reporting in regard to the request made by the petitioner for the return of certain exhibits which are on file in connection with

the bill passed by the House last session of Parliament. I am aware that the Committee on Divorce cannot absolutely deal with the subject, but they may be able to report to this House upon the propriety of returning those original exhibits for which the petitioner asks.

The motion was agreed to.

## THIRD READING.

Bill (G) "An Act to further amend the Revised Statutes, chapter 77, respecting the safety of Ships."—(Mr. Bowell.)

## BELL TELEPHONE COMPANY OF CANADA BILL.

SECOND READING

Hon. Mr. McMILLAN moved the second reading of Bill (34) "An Act respecting the Bell Telephone Company of Canada." He said: This is a short bill which empowers the directors of the company to borrow money to the extent of 75 per cent of the actual paid up capital, when they are authorized to do so at a meeting called for the purpose by a two thirds majority of the shareholders.

The motion was agreed to.

## ATLANTIC AND NORTH-WEST RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MacINNES (Burlington) moved the second reading of Bill (30) "An Act respecting the Atlantic and Northwestern Railway Company." He said: This is a bill asking for an extension of time and for permission to spend more money in completing the railway. I should perhaps state to the House that the portion of the road which extends from Montreal to St. John is part of the Short Line, and by its various lines it is carried as far as Renfrew, and 20 miles have already been constructed from Renfrew to Eganville, and a further extension is required to continue the line to the eastern shore of Lake Superior.

The motion was agreed to.

## PRESERVATION OF GAME IN NORTH-WEST TERRITORIES BILL.

FIRST READING.

Hon. Mr. BOWELL—I take this opportunity of introducing a bill for the preservation of game in certain parts of the North-west Territories in Canada. Its provisions will be best understood after it has been printed, when the House will be better able to judge of its merits. I may, however, for the information of the House state that it has come within the knowledge of the Government, through information received from explorers who recently visited the northern regions of Athabasca and the Mackenzie Basin, and from persons intimately connected with the country in question, that the fur bearing animals which are at present the only source of revenue in this vast northern district, are fast disappearing as the natural result of their indiscriminate slaughter. The preservation of the birds and animals in that region is of paramount importance to the Indians and natives who rely upon hunting for food, raiment, and the necessary trade which supplies them with their other requirements. The object of this bill is to protect, as far as possible, what remains of this important resource of the country for the Indians and natives who would, in the event of the extermination of the animals, either starve to death or make their way out to the settled parts and become the wards of the country. The native himself would appear to have no idea of protecting fur bearing animals, but slaughters all that come in his way. It is true that the North-west Council has ordinances in force protecting game and animals, but the provisions do not extend beyond the legislative districts. It would be unreasonable, of course, to expect the Indians to observe laws preventing them from killing animals when they require them for food, and care has been taken in the bill proposed that it shall not operate to cause them any hardship, but it is considered of imperative urgency that some immediate steps should be taken to restrict the indiscriminate slaughter of fur-bearing animals by the adoption and enforcement of stringent regulations such as those contemplated by the provisions of the proposed bill. The necessity for taking immediate action in this relation will be more apparent when it

is borne in mind that whilst very strict laws and penalties protect the buffalo where none have been seen for years, no attempt has so far been made to preserve the few that do exist in the north. It is estimated that not more than one hundred in all exist to-day of this once common and valuable animal, which formerly roamed in countless numbers over the north-west country. Notwithstanding its scarcity, however, and the difficulty of getting near it, white men are not deterred, it would appear, from going into the region that they now inhabit to try and secure a few, for no other reason than the sport it affords, as the paucity of their numbers and the difficulty of getting the robes out precludes all idea of its consideration as a commercial enterprise. The same remarks apply to the musk-ox, which inhabits the district commonly known as the "Barren Lands" lying along the Mackenzie River, north of that along Great Slave Lake and its affluent streams, and west of the Hudson Bay. Their grounds would appear to have been entered twice already by white men, and it is only a question of time and dollars until these animals will be hunted extensively. What are known as the "Barren Lands" are also the abode of numberless herds of cariboo during the summer months, travelling north to the Arctic coast in the spring and returning south to the wooded country in the fall, and it has been reported that during their migratory journeys large numbers of them are killed by the Indians, often through sheer love of slaughter. The attention of the department has also been drawn to the great and rapid decrease in the number of beaver all over the unceded portions of the North-west, caused by their wholesale slaughter at all ages, particularly in the spring and early summer. The Government being convinced of the importance of adopting regulations for the preservation of the fur-bearing animals in the district mentioned, and in compliance with the numerous appeals which have been made in that behalf by persons more particularly connected with the matter, it is considered that the Act proposed will to a great extent meet the object in view without imposing any hardship upon the Indians or the traders. I might add that the bill provides, as far as it is practicable, for the carrying out of its provisions. It will be readily understood that great difficulties will present themselves in carrying out the law to preserve the game in the unorganized territories where scarcely any white people exist, except those who go there for sport, as they term it—for the purpose of destroying these valuable animals. Past experience of this country proves the great necessity of taking steps at as early a day as possible for the preservation of the natural food supply of the natives and the Indian tribes. I remember distinctly when the North-west Territories were first ceded to Canada, that the present Lieutenant-Governor of Manitoba, the Hon. Mr. Schultz, called the special attention of Parliament to the fact that unless stringent laws were passed for the preservation of the buffalo in the North-west Territories in a very few years that animal would become extinct; and his prophecy has proved true to the letter. The result is that it is costing this country now nearly half a million dollars a year in order to feed the natives and Indians of that country, which expense might, to a very great extent, have been prevented had his advice been taken at the time. I need scarcely say that most of us living in the older province had very little idea of the importance that should be attached to the recommendations which were thus made by the then member for Lisgar. There may be some difficulty in enforcing the provisions of this Act; still, by appointing guardians with magisterial powers to enforce it, and in securing the co-operation of the Hudson Bay Company, it can be done. It is as much in their interests as in ours, that the game and the fur-bearing animals in the North-west Territories should be preserved for the food supply of the Indians. I may add this bill does not interfere with the killing of any animal by the Indians, when it is done for the sake of food, to prevent them from starving.

Hon. Mr. LOUGHEED—Is the bill of a prohibitory character or does it simply contemplate the establishing of a close season?

Hon. Mr. BOWELL—Both. If it establishes a close season it would necessarily be prohibitory during that season, except when the Indians need an animal for food; then it would not be prohibitory.

Hon. Mr. LOUGHEED—Does the bill make provision for the shooting of game say

by sportsmen, at particular seasons of the year? Is it permissive in any degree?

Hon. Mr. BOWELL—Yes, as to certain animals; it prohibits the killing of certain animals for five years. That would apply to the buffalo, if there are any, and to the musk-ox.

The bill was read the first time.

The Senate adjourned at 3.40 p.m.

---

## THE SENATE.

*Ottawa, Friday, April 27th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## MONCTON AND PRINCE EDWARD ISLAND RAILWAY AND FERRY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (I), "An Act to amend the Acts relating to the Moncton and Prince Edward Island Railway and Ferry Company," with amendments. He said: There are two amendments in this bill: one is verbal, substituting the word "undertaking" for "railway." The other is a provision allowing an extension of time for two years, and then the power of construction shall cease as regards all parts of the line which are not made complete. There is no objection to those amendments that I am aware of.

Hon. Mr. POIRIER moved that the amendments be concurred in.

The motion was agreed to.

## WOLSELEY AND FORT QU'APPELLE RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (N) "An Act to incorporate the Wolseley and Fort Qu'Appelle Railway Company," with amendments. He said: These amendments in the first clause are wholly unobjectionable. They are rendered necessary by a wrong description of the incorporators. In the third clause the amendment being of a somewhat novel character, is one to which the House will probably pay attention hereafter. The clause reads this way: "The company may lay out, construct and operate a railway of the gauge of 4 feet 8½ inches." That is the usual gauge, and the amendment is to add those words "or of any narrower gauge that the company may deem desirable." There is a consequential amendment to this in the fifth clause which regulates the amount of capital stock. The fifth clause provides that the capital stock of the company shall be $400,000. It is proposed to add to that as an amendment, "Provided the road be of a gauge of 4 feet 8½ inches, or $250,000 if of narrower gauge." In the seventh clause there is an amendment which is wholly unobjectionable. The word "assembled" is struck out of the 35th line, and after that is substituted "the persons present, personally or by proxy." As the third reading of the bill is to be deferred until Monday, I would suggest that these amendments be taken into consideration at the same time.

## FREIGHT RATES ON THE CANADIAN PACIFIC RAILWAY.

INQUIRY.

Hon. Mr. BOULTON—I would like to ask the hon. leader of the House, if he has any information to furnish yet with regard to freight rates on the Canadian Pacific Railway?

Hon. Mr. BOWELL—No, I have not, but I will make inquiry as to the probable time they will be received. They are not furnished yet. I may say, that one of the officials stated some time ago, after the adoption of that motion, that it would take some little time before they could be prepared. However, I will make inquiry and let the hon. gentleman know at the earliest possible moment.

## THE COMMUTATION OF THE DEATH SENTENCE IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. McINNES (B. C.)—Before the Orders of the Day are called, I would like

to ask the hon. leader of the House when we may expect that return which I asked for a short time ago with respect to the commutation of the sentences of those Indians ?

Hon. Mr. BOWELL—It escaped my mind, I will make inquiry and let the hon. gentleman know on Monday.

## SECOND READING.

Bill (M) "An Act for the relief of Joshua Nicholas Fillman."—(Mr. Clemow.)

## THE DOWNEY DIVORCE CASE.

The Order of the Day being called,

Consideration of the 10th report of the Standing Committee on Divorce in *re* Downey Relief Bill,

Hon. Mr. GOWAN said: Before proposing the consideration of this report for to-day I had arranged all the evidence with my own hand to be passed on to the printer, expecting that it would be in the hands of hon. members yesterday morning, but for some reason or other the evidence has not been printed. Under the circumstances I move that the Order of the Day be discharged and that this report be taken into consideration on Tuesday next.

The motion was agreed to

## STEAM BOILER AND PLATE GLASS INSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (35) "An Act to amend the Act to incorporate the Steam Boiler and Plate Glass Company of Canada." He said: An Act was passed in 1891 to incorporate the Steam Boiler and Plate Glass Company of Canada. The object of the company is sufficiently indicated by its name. The bill which is before the House proposes to amend the Act of incorporation and to allow the company to insure not only boilers and plate glass, but also the lives of engineers and firemen who are in actual attendance on the boilers insured by the company. There is also a slight amendment to the third section of the Act

Hon. Mr. SCOTT—I beg to call the hon. gentleman's attention to the fact that a bill is now before the House which distinctly denies the right of any company to engage in more than one or at the outside two branches of insurance—life cannot be associated with other classes of insurance.

Hon. Mr. POWER—I presume that the committee to whom this bill is to be referred will consider whether or not this company should come within the provisions of the general bill that is now before the House.

The motion was agreed to and the bill was read the second time.

## COMBINATIONS IN RESTRAINT OF TRADE BILL.

FIRST READING.

Hon. Mr. READ (Quinté) introduced Bill (AA) "An Act to amend the law relative to conspiracies and combinations formed in restraint of trade"; and moved that it be read the first time.

Hon. Mr. BOWELL—Will the hon. gentleman explain the object of the bill ?

Hon. Mr. READ—It is customary in this House to make such explanations at the second reading.

The motion was agreed to and the bill was read the first time.

The Senate adjourned at 3.45 p.m.

---

## THE SENATE.

*Ottawa, Monday, April 30th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READING.

Bill (I) "An Act to amend the Acts relating to the Moncton and Prince Edward Island Railway and Ferry Co."—(Mr. Poirier.)

## THE INSURANCE BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (V) "An Act to further amend the Insurance Act." He said: As I gave no explanation when this bill was read the first time I shall do so now. The first section of the bill deals with the first clause of section 8 of the Act.

As it stands at present, Government securities mentioned in said section when taken as deposits are to be estimated at their market value, and the proposed amendment provides that the value at which they may be accepted shall not exceed par. When this section of the Act was passed, American securities were, I believe, below par; but they are now quoted at a high premium. The Treasury Board in March, 1886, ruled that United States bonds could not be accepted at a higher rate than par, even in a case where their market value was considerably above par. In view of the words of the Act, the accuracy of this ruling was questioned, and the object of the amendment is to set the matter at rest in accordance with the ruling of the board. It is not intended that any securities at all shall be accepted at a quotation above their par value.

The second section of the bill deals with the fourth clause of said section 8 and the amendment proposed is intended to make the meaning of the clause clear beyond a possibility of a doubt. A case arose several years ago where a company sought a return of a portion of an additional deposit (with which the clause deals) contending that the Governor in Council on the report of the Treasury Board could order such return. Mr. Lash, then Deputy Minister of Justice, gave an opinion to the effect that no such return could be ordered and that the additional deposit referred to must be dealt with as if it formed a portion of the original deposit. In a more recent case, that of the Life Association of Canada, Mr. Burbidge, then Deputy Minister of Justice, gave a similar opinion which was concurred in by Sir John Thompson. The proposed amendment will leave no room for question as to the intention of the clause being in accordance with the opinions just referred to.

The third section deals with section 11 of the Act from which it is proposed to strike out the words "any company's deposit is unimpaired and." It is uncertain what these words mean as applied to companies which are required to make increased deposits from time to time, as their liabilities increase, as in the case of all foreign companies. If a company's deposit is to be deemed impaired when it is less than the Act requires, great inconvenience and even loss would arise, if the interest coupons were withheld until a deposit is brought up to the necessary amount for which purpose companies are by the Act allowed sixty days after demand therefor has been made. The practice has been not to withhold the coupons under such circumstances. As it is by no means clear what was intended by the words quoted and as the remainder of the section affords sufficient protection it is proposed to strike out the words referred to.

Section 4 proposes to make it clear that a company applying for a release of its deposit must give the notice in a newspaper which section 17 requires, before such release can be granted. The notice required by this section has generally been given in such cases; but, in one instance, it was overlooked, and the company contended that it was not necessary, and in this view the Deputy Minister of Justice concurred. It is, therefore, proposed to make publication in a newspaper absolutely essential, as it must be regarded as of much more value, so far as giving notice to the public is concerned, than publication in the *Gazette*.

Section 5 proposes to repeal sections 19, 20 and 21 of the Act, and to re-enact their substance, in a slightly different form, with the change following :—

(*a*) In the case of foreign companies, the Act at present requires statements of the company's business, under the oath of its chief agent.

There was some doubt as to the person intended, and the amendment proposes to remove all doubt in future by requiring the statement of the Canada business to be verified by the oath of the company's chief agent in Canada, and the statement of general business to be verified by the oath of the president or vice-president and the secretary or actuary of the company, and requires (subsection 3 of section 20 at the foot of page 2), that the chief agent in Canada shall keep a complete set of books and records wherein shall be entered full particulars of everything which relates to the Canada business of the company.

(*b*) In the case of foreign life companies, it is proposed to call for a preliminary abstract to be delivered on or before the 15th day of January, similar to that which is now required of Canadian life companies.

Dealing with that clause in the existing Act, I may say that it has met with a certain amount of objection, and that it is proposed to amend the bill now submitted to the House, so that the companies may find it easier to comply with the requirements of the law. "Such agent shall keep at the

chief agency in Canada all books, records, etc." This has been objected to. It was stated it would involve very great expense and a very large amount of work and would actually eat up a large proportion of the profits. I shall, therefore, when in Committee of the Whole, propose an amendment to that clause requiring the companies to furnish records and documents sufficient to enable the chief agent in Canada to prepare and forward the statement of Canada business in this section provided for, and that said statement of Canada business may be readily verified therefrom, which will not exact from them the keeping of books, registers and records as was at first thought.

Under the existing Act the penalty is $500 for failure to file the statements as required and $100 for each month during which a company neglects to file such statements. The penalty prescribed was very large and no special provision for its collection was provided. It is now proposed to make the penalty $10 per day for each day's default and to make the money recoverable at the suit of Her Majesty instituted by the Attorney General and to apply the penalties received towards the expenses of this office; that is the superintendent of insurance office. This will probably insure promptness in the delivery of the statements.

It has occurred recently, I believe, that men have made it a business to harass and bring suits against companies who have neglected, during a very limited time, to produce the statement required, and they are molested by suits for a $500 fine and $100 a day or month for every subsequent delay. It is thought that the law is too rigorous in that respect, and that it is not necessary to enforce the companies' duties by the imposition of such a very heavy fine.

A further provision (subsection 2 of section 21) is to the effect that if the penalties provided for are not paid the license shall not on expiry be renewed.

The 6th section proposes to define the word "policy holder" in section 34. The proposed definition is in accordance with an opinion of the Minister of Justice given some years ago in the case of the Life Association of Canada, and has been acted upon in all cases that have since arisen. In the case of a policy of the Citizens' Insurance Company the Deputy Minister of Justice has recently held the view that the beneficiary and not the person to whom the policy was issued is to be regarded as the policy holder. The amendment proposed is intended to set the matter at rest.

Section 7 refers to assessment companies and is in accordance with recent legislation. Clauses similar to those proposed to be added to section 39 were inserted in the charters of the Home Life in 1890 and in the charters of the Woodmen of the World and the Catholic Mutual Benefit Association in 1893.

By section 8 it is proposed to make section 47 relating to fire insurance companies harmonize with section 33 which relates to life companies by requiring the concurrence of the Treasury Board to a release of a deposit instead of that of the Governor in Council. It has been found more expedient to have a meeting of the Treasury Board than of the Governor in Council and less difficulty is anticipated if the Treasury Board is authorized to deal with the matter.

By section 9, section 49 has been redrafted and made to harmonize with the remainder of the Act as far as possible, by requiring as in the case of section 47, the concurrence of the Treasury Board in the issue of a license other than those specifically provided for by the Act (viz., life, fire and inland marine) instead of that of the Governor in Council as at present required. The present Act is principally a consolidation of several earlier Acts in the first of which the concurrence of the Governor in Council was required in the case of release of deposits, etc. This related to fire companies. In a later one relating to life companies the concurrence of the Treasury Board was required under similar circumstances, and in a still later Act (1885) relating to assessment life companies, the concurrence of the Treasury Board was required for the registration of Canadian assessment companies, calling for further deposits in the case of foreign assessment companies, etc., and it is proposed to harmonize the whole by requiring the concurrence of the Treasury Board in all cases. Under the present section 49, which provided that the Governor in Council shall determine in each case thereunder whether any and if so what deposit shall be made, it has been practically determined that a deposit shall in every case be necessary and the section as redrafted so provides.

Section 10 is new so far as the Act is concerned. Subsection 1 thereof is based upon the following Order in Council which has been acted on since its adoption :—

1882—*Combination of Life with other Clauses of Insurance Business.* The Board having had under consideration an application from companies for a license to transact accident insurance business in combination with life insurance, and having considered the report of the Superintendent of Insurance thereon, are of opinion that it would not be in the interests of the public, or consistent with the policy indicated by the Parliament of the Dominion, by refusing charters of this nature, that the business of life insurance should be combined with any class of insurance, and would recommend to Council: (1) That in future no license be issued to a company which desires to transact business of life insurance for the purpose of transacting any other business of insurance in combination therewith.

And it is considered advisable that it should be embodied in the Act. Subsection 2 of section 10 provides that cyclone or tornado insurance may be transacted in combination with fire and marine. There is not as yet much cyclone insurance done in Canada. Subsections 3 and 4 make provision for classes of insurance which may be combined and subsection 5 limits the classes to two except in the case provided for in subsection 2. This clause has attracted a certain amount of attention from existing companies and when in Committee of the Whole, I propose to offer the House an amendment which would form a 6th subsection to this clause:

The provisions of the section shall not interfere with the renewal of licenses heretofore granted:

That is, the intention is to ask the House to legislate only as to the future, and not to affect any of the companies now existing and doing business.

Hon. Mr. SCOTT—Then companies at present having two classes or three classes of insurance may continue?

Hon. Mr. ANGERS—They will be able to continue: it is not intended to in any way give the bill a retroactive effect. It is only as to the granting in future of new licenses and not as to the renewal of licenses.

Section 11 is founded upon the following Orders in Council which have been acted on since their adoption, with, it is believed, very beneficial results, and it is thought desirable that they should be embodied in the statute:

*Charter Powers of Foreign Companies.*—The Board recommend that it should be laid down as a general rule that a license will not be granted to a foreign company whose corporate powers are in excess of the powers which would be granted to a company by the Dominion Parliament. (O.C. 21st January, 1891.)

Provided, however, that any company, regardless of its charter powers, which has a paid-up capital of at least $500,000, wholly unimpaired, and in addition thereto, holds over and above all liabilities estimated according to Government standard, a rest or surplus fund equal to at least 30 per cent of such paid up capital and the market value of whose stock is at a premium of at least 30 per cent,——

Hon. Mr. SCOTT—It is 20 per cent in the bill.

Hon. Mr. LOUGHEED—Is this a departure from the present section?

Hon. Mr. ANGERS—No; the sectio intended to put in the law what was exacted or what was being carried on in the past by an Order in Council.

Hon. Mr. LOUGHEED—What you are reading now is entirely different from section 11, which appears in the bill.

Hon. Mr. ANGERS—Yes, that is the Order in Council I am reading from.

—and has carried on successfully for a period of at least ten years the business for which a license is sought, being only one class of insurance, or if more than one, then such classes as may be properly combined, shall be deemed eligible for and entitled to such license upon agreeing to keep and maintain assets in Canada, as defined by the Insurance Act, over and above and in excess of the amount required by sections 9 and 10 thereof (said Sections to be deemed applicable to such company) to such an amount as the Governor in Council on the report of the Treasury Board shall fix and determine, not, however, exceeding the sum of $200,000, such excess to be looked upon as the company's Canadian capital and such agreement to be deemed a condition precedent to the issue of such license.

And provided further, that the application for a license of any company not in all respects complying with the requirements of the foregoing proviso, yet not materially falling short in any of the essential particulars thereof, may form the subject of a special reference to be dealt with on its merits. (O. C. 30th January, 1892.)

Section 12 is in the Act introduced in 1893 and not proceeded with. Section 62 of the English Companies Act contains the following provision:

In default of any regulations as to voting each member shall have one vote. * * * That is to say, it matters not how many shares a member holds if there is no regulation (by-law) as to voting each member has only one vote—and article 44 of the standard regulations contained in the schedule to said Companies Act is as follows:—

Every member shall have one vote for every share up to ten; he shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

The bill last year was opposed by Mr. Mulock and Mr. Edgar. Sir Richard Cartwright and Mr. McMullen urged that the bill should be referred to the Committee on Banking and Commerce, and it was not carried through the House. Mr. Cockburn urged delay; so also did Sir Hector Langevin. Sir Richard Cartwright's proposition was that there should be minority representation; for example, if a shareholder owned one-tenth part of the stock he should be represented on the board of directors by one-tenth part of the board. Hon. David Mills endorsed Sir Richard's view. Mr. Sutherland also spoke in opposition to the bill. The discussion which took place will be found at pages 3002 to 3016 of the *Hansard* for 1893.

Hon. Mr. KAULBACH—Does that apply to all insurance companies?

Hon. Mr. ANGERS—It would apply to every company in the future to whom licenses would be granted.

Hon. Mr. McMILLAN—All newly organized companies?

Hon. Mr. ANGERS—Yes.

Hon. Mr. SCOTT—No; it is those that derive their authority from the Parliament of Canada—not outside companies.

Hon. Mr. ANGERS—No; simply companies formed in Canada; it could not apply to companies formed abroad; only to companies formed in Canada, and the object of the clause is this, to prevent one large share-owner from controlling the investment of a capital five or six times larger than his own holding. A man in an insurance company may hold, say, $75,000 of shares; he may control the vote of the whole company, and that insurance company may have the investment of perhaps three-quarters of a million, or half a million. The question was put, is it right that one single man should have it in his power to invest such a large amount of money, perhaps for his own benefit, by investing it next to a property that he holds himself? When in Committee of the Whole I propose to add another clause to the bill, which will be the thirteenth clause, and it is to this effect, that whenever an error occurs in life insurance in the giving of the age of the insured, this error should not make the policy void, except, of course, if it had been the subject of a fraud. As we all know, very few men solicit the opportunity of insuring themselves. The contrary is the fact. Men are solicited to insure, and agents take very little precaution, so long as they get the risk. Everything is easy, and everything is good; they verify nothing, and they take a declaration, take the premium and send you a policy. If the insured dies in an unexpectedly short time, everything is closely investigated, and if there is the slightest error in the age of the insured, the companies immediately take a most rigorous advantage of it and decline to pay. Very often this refusal of payment is made to the widow of a labourer, a woman in distress, unprovided with the means of going to law, and they frighten her into a composition of fifty per cent or less; therefore, I think it is right that some provision should be made to deal with cases which have occurred in good faith, where an error in the age of the insured has happened—some provision should be made that the insurance should not be void, but that the company should have the right to collect the premium that would have been collected had the age been properly given, and that the amount, after that assessment has been made, should be paid to the policy-holder. Some of the provinces have made enactments in relation to this subject, and I think a rider should be added to that clause so that we may not be unwittingly going beyond the limits of our jurisdiction. Of course we have the right to make laws in relation to insurance, and especially in relation to insurance companies incorporated by the Parliament of Canada; but as this provision is perhaps not an essence of the insurance law I would also suggest that this section is subject to the provisions of any legislative enactment of any of the provinces of the Dominion. I know that in Ontario they have adopted similar legislation. Another object for inserting this clause in the Insurance Act is on account of the fact that last year the Parliament of Canada passed an Act to insure the Civil Service officers desirous of taking insurance. Under the Act regulations

were made, and amongst the regulations is the enactment of this new clause which I propose, that in case of error concerning the age, the proper premium may be collected and the balance must be paid.

Hon. Mr. SCOTT—This bill deals largely, no doubt, with the details of the insurance law, but there are some important questions connected with it, which I think affect us all as policy-holders. Any increased expense for maintenance of insurance companies of course falls on the policy-holders, because it comes back to this—that the companies have entered into such a union as has led to the fixing of uniform rates all over the Dominion (at least in the older provinces of the Dominion) and these rates are regulated from time to time on such a basis as to enable the companies to draw what they consider a fair dividend on all moneys invested. Therefore, anything that unnecessarily entails expense on the insurance companies ought to be avoided unless some practical result is to flow from it. As far as I can see in reading over the bill, its object is to facilitate book-keeping in the department that has control over it, and to secure this result some of the companies are to be put to a large annual expense. They are made to conform to a rule which, as far as I can see, has no real, practical benefit or advantage. In the first place, they are told that they must make up their statements to the 31st December. Now to a company doing a business, as some do, of $30,000,000 or $40,000,000 a year, it is a serious matter to make up a second annual statement, because all those companies have their days of meetings for the stockholders, and all parties interested in the affairs of the company meet at the usual time, and under the keen criticism of the auditors a careful investigation is made. As a rule those meetings take place at an early period of the year, somewhere between March and July, but under this bill the policy of the authorities is to require them to make up their statement to the 31st December. Uniformity may be all very well, but if it is to be purchased at too serious and inconvenient a rate, and if no actual advantage is to be gained, I do not see why, for the mere purpose of gratifying, I will not say the whim, but the idea of some official of the department, the statement should be made up to that period. The statements of the insurance companies will be much more faithfully recorded if we take their annual reports to the policy-holders as submitted at their regular meetings. I am glad to say that none of the insurance companies doing business in Canada are in a suspicious position. They all have a large amount invested with the Government as protection for policy-holders, but apart from that, their standing is such that we are not warranted in assuming that any substantial advantage is to be gained by requiring them to make up a particular statement for the purposes of the annual report of the Superintendent of Insurance. I understand that this bill affects very prejudicially fifteen to twenty companies doing an enormous business in Canada. It is well known that the bulk of the insurance in this country is not done by Canadian but by United States and British companies. They hold over five-sixths of the insurance of this country, and therefore we ought to deal with them in such a way as not, at all events, to force them to a larger outlay than is really necessary. While I would not for a moment maintain that they should be in a position, I will not say to secrete, but not to present the fullest and most perfect statement for the purpose of the annual report, yet I think from the standing of the companies doing business in Canada we may assume that the statements that meet the approval of those directly interested at their annual meeting are satisfactory and more particularly if it is confirmed and sworn to by such officials as the department may see fit to require of the company. The important provision is really in subsections 2 and 3 of clause 20, under which every outside company is required to have a chief agent in Canada. Now, that is really the crucial point, as I understand, and I am advised that this will mean an annual cost of over one hundred thousand dollars. Those companies are not going to lose that money. They will simply charge it up against the policy-holders and unless some substantial gain is to be derived from it I do not see the necessity of such a regulation. There has been no loss heretofore owing to the manner in which the returns have been obtained, and many of the companies, I am advised, where they do their business with the local agents, find that they are in more direct touch with them and can issue their instructions more imperatively than through a chief agent. If an outside

company has an agent at Montreal or Toronto, called a chief agent of the company, then all the instructions from the head office have to be filtered through that particular official, whereas if they communicate direct with each local agent that agent assumes the position of chief agent of the company. With many outside companies you can go to the local agent and, without referring to any other official in Canada, after paying your premium you can get a policy signed by the company. He does not need to communicate with anybody outside. You pay your premium and the agent hands you your policy. That is a convenience that ought not to be disturbed or lightly dealt with simply because the department require reports which would be more convenient to them as coming from one of the chief officers of the company. Take for instance a company, probably one of the oldest companies in Canada, the Ætna of Hartford. They have been established in this country since 1821. As everybody knows they are a very respectable company. You rarely hear of their disputing a loss under their policies. They deal directly with their own agents. They have refused heretofore to appoint a chief officer, for the reason, they say, that they have more control over the agent by having him report directly to the head office. That company is entitled to very large consideration. I find in the returns that that company has paid over $5,000,000 to policy-owners in Canada since its introduction here, and you very rarely hear of their name in the courts They paid over a quarter of a million dollars at that great fire at St. John, N.B. Any outside company that can do that, without undue delay, is surely entitled to some consideration at the hands of Parliament, and unless the hon. Minister, or those who have instructed him in this matter, can show that there is some real, substantial injury resulting from the present position of affairs, I do not think they should ask that the system, which has been in existence for years, should be altered capriciously. You cannot point to any substantial loss that results from the present system. I know up to the present time the reports have been received from the chief agent, but in the bill you are laying it down as a hard and fast rule that they shall be from the chief agent in this country. I would ask the Minister to reconsider this question, because the insurance companies are to-day in a combine. You go into any insurance office for insurance and you find that the rate is the same as that of all other companies. The rates are fixed by the Underwriters' Board, and if we unduly entail additional cost on the companies, it naturally comes back on the policy-holders, because the companies are not going to lose that money. Therefore, we are all interested, wholly apart from the question of fair-play. The legislation does not seem to be warranted by any substantial gain. I understand, so far as some of the companies are concerned, they have offered to pay the expenses of any officer that may be sent down to the head office in the United States to make an investigation of their assets. Of course the companies that I have named are of such undoubted character that it would not really be necessary, I therefore would ask of the Minister to consider the propriety of making such a change as will meet the necessities of a case of that kind, because our interest is rather to encourage outside companies that have a high financial credit to do business in the Dominion. The policies carried in Canada by Canadian companies are only about one-fifth of the entire insurance. The returns show that Canadian companies carry only $112,000,000., while outside companies carry over $556,000,000. But I am told it will have an injurious effect on some of our companies that are doing business in the United States. The British American, a Canadian company, doing a large business in Canada, has agencies now in the United States. What will be the effect of this bill on them? They are not called upon to appoint a chief agent in the United States. Their returns are accepted as correct when coming from the head office. Of course the president, or the officers who are called on to make the report, conform to the requirements of the department, and make the necessary affidavit as to the business done, the premiums paid and the assets of the company, but the effect of this legislation will be that Canadian companies doing business over there will be subject to the same rule. That will be very embarrassing to them, and probably force them to withdraw their officers. I cannot, therefore, for a moment see why it should be desired to lay down an arbitrary system that is simply going to embarrass the business of Canadian

and foreign companies. Then, in reference to a remark made by the hon. gentleman that suits are being brought against the companies, it can only be for a technical omission of matters of that kind.

Hon. Mr. ANGERS—For the protection of the companies.

Hon. Mr. SCOTT—Yes, I think it is unfortunate that they should be subject to harassing actions at the instance of informers. All actions of that kind ought only to be brought under the control or jurisdiction of the Justice Department.

Hon. Mr. ANGERS—So it will be now.

Hon. Mr. SCOTT—I am glad the change is being made. If it were possible I think we should protect the companies, because a mere clerical omission to comply with a rule of that kind should not subject the companies to a penalty of $500 and so much per day for each day the omission is extended over. There would probably be correspondence between the company and the officials here as to the form of the return, the officials perhaps insisting on a particular form, and the return not being made in time would form a basis of an action by an informer. I think the informer should only be permitted to bring an action where substantially some injury is inflicted on the whole community by the omission to furnish information, because the chief element to justify the action of an informer is wholly wanting in a case of this kind. It is not pretended that any companies who hold licenses in the country are of doubtful credit, or that they have not deposited sufficient means with the Canadian Government to justify the extent of business they are doing, and therefore there is really no basis to warrant an action by an informer. I would throw out the suggestion that if it were possible, by any retroactive legislation, to nullify such proceedings it certainly would be our duty to do that, unless it was a direct and intentional breach of the laws of the country and not merely a technical omission to make a formal return because the department and the company were discussing as to the form in which it should be made. That surely should not render a company liable to a penalty of perhaps thousands of dollars. I think the law was not intended for a case of that sort, and the circumstances as they exist would be ample justification for the basis of an Act by Parliament which would relieve the companies from the payment of those penalties. I do not propose to discuss at present the other clauses of the bill, which are not so important. We can do that better in committee. The two important amendments are those to which I have adverted; one that it would be very much safer and more satisfactory if we would accept the latest returns of the companies presented at their last meeting. That was the law in regard to outside companies. It was the usual balancing days at all events of the outside companies, and certainly the return, if it was made in the ordinary course of business, would be much more satisfactory than a return specially made on the 31st December for the purposes of the Insurance Department.

Hon. Mr. LOUGHEED—I would say for the information of my hon. friend that life insurance companies are compelled to have their returns in within a limited time after the 1st January, and fire insurance after the 1st February.

Hon. Mr. SCOTT—Yes, so I understand. The other point to which I desired to draw attention was that I hope the Government will see their way clear to meet the positions of these companies, a very considerable number of which are doing a large business, that object to the establishment of what is called a head office in Canada. They say that they are more in touch with their offices by allowing the business between the head office and their local agents to be conducted as at present. I cannot see any advantage to be gained by the proposed change and therefore I hope the Minister will consider the suggestion, which I am told has been pressed upon him by a number of outside companies.

Hon. Mr. KAULBACH—I do not think that any outside company doing business in Canada should be put in a better position than Canadian companies. The same safeguards should be given to the Canadian companies as are offered to foreign companies and they should both be subject to the same supervision. It is all very well for the hon. gentleman to speak of the high standing of

foreign companies. That is all very true, but there are companies constantly springing up on the other side of the line and some of these may be bogus concerns. I know of one company started in Nova Scotia, it did not succeed and some persons lost money in it, and I think all companies doing business in Canada should have a head office in which all the business of the company can be supervised and their returns verified by the books and records of the principal office.

Hon. Mr. MACDONALD (P.E.I.)–I think it is very desirable that we should furnish all possible safeguards for those people of Canada who take policies from foreign companies. Circumstances may arise in which they would have no recourse against those companies for the amounts of their policies. In case of war or difficulties arising between the two countries, the policy-holders in this country would have no recourse against the foreign company for their insurance. In years past, it is very well known that a great many persons in Canada lost money by insuring in companies who had no deposit in this country for the safety of the policy-holders. Since the present Act has been passed that difficulty has been avoided to a great extent, and I know myself, and have good reason to know, that if it had not been for the Insurance Act, a great many persons would have lost money by the failure of some of our own companies. Under the provisions of that law, and under the direction and guidance of the Superintendent of Insurance, those who referred their cases to him were enabled to obtain policies in companies of good standing in place of those which they had held in failing companies. Those who were not sufficiently posted in the manner of making such an application, merely allowed their premiums to lapse, and in this way lost all recourse against the companies for the money they had paid. Under the present law policy-holders in all Canadian companies are well secured and it is absolutely necessary that foreign companies doing business in Canada should be placed on an equally sound and good footing for the business that they do here. There is a vast amount of insurance, as stated by the hon. member from Ottawa, taken out by Canadians with foreign companies, and they perhaps are not aware of all the risks they run if their policies are contested in a foreign country. Under the circumstances, I think it is very necessary that a bill such as has been introduced here should become law, that all proper safe-guards should be placed on our statute-book in order to insure the safety of policy-holders.

Hon. Mr. GOWAN—The obvious intention of this bill is the protection of the public interests, and so far as I can judge from reading it hastily, any powers that it confers are for the purpose of enabling proper supervision to be kept over the different insurance companies now authorized to do business in Canada. The business of life insurance a few years ago was almost unknown to Canada; of late years it has assumed enormous proportions, and hundreds of thousands of people have all their savings invested in these insurance companies. The main principle of the bill, as I take it, is this: to enable the authorities to watch over the business of these companies and to be able to arrest them if they are not in a solvent condition, thus to afford protection to those people who cannot watch the progress of a company and find no adequate means of ascertaining the way in which they do business. I am, therefore, strongly impressed with the notion that the fullest power of supervision should be given. It may be that some of the provisions of the bill as to returns may be attended with inconvenience to certain companies, but I cannot see that, with companies that are well kept, it could make any great difference to make a return at a particular time. The importance of life insurance cannot be exaggerated. There are a great many people who are putting so much yearly into life insurance, and who are not disposed to save money in any other way, and it is the duty of the Government to watch those companies, and to see that the poor people who put all their means into their keeping are not disappointed when the time for repayment comes. With regard to the additional clause which my hon. friend proposed to add to the bill with reference to the age, I am not aware, as far as my experience goes, of any respectable company in Canada, taking advantage of an error made in a proposal for insurance; at the same time, I quite agree that it is just as well that it should be expressly put upon the Statute-book. A similar policy was followed in Ontario with regard to fire insurance companies in regard to conditions which were very stringent and which enabled

any company that was so disposed to fight it out to avoid payment of a loss, in case loss occurred, and if I rightly remember the very provision or a similar provision to that which my hon. friend suggests now exists in England. I hope that after the second reading of the bill it may be altered without injury to the public interest, because I think it is the duty of the Government to consider first the public interest, and not the interests of the companies. They will not enter into business unless they can make money. Of course every regard should be paid to them so far as is consistent with public safety, but the public interest and the safety of investors ought to be the first and paramount consideration of the Government.

Hon. Mr. SCOTT—With the hon. gentleman's permission I would like to say a word or two. It would seem some hon. gentlemen inferred, from the drift of my remarks, that I had advocated a policy that was going to weaken the security of the policy-holder. I said nothing whatever about the deposit; on the contrary I think our securities would be very much better if we had the returns of the ordinary meeting of a company than a special return made up for the purposes of the department. My observations had no reference whatever to the deposit. We all recognize the importance of the deposit and no comment was made in reference to that point. I infer from the observations made by some hon. gentlemen that they assumed that I had taken a line that was going to weaken that position; on the contrary, I thought my suggestion was rather in the direction of strengthening the position of the shareholder.

Hon. Mr. ANGERS—With the kind permission of the House I shall refer again to clause 20, which seems to have been mostly the subject of the debate. Now, you must not look at clause 20 as a new enactment, or as requiring anything from the companies which, under the present Insurance Act, they are not obliged no supply. Under the Insurance Act, companies are required to give in statements of their business in Canada and of their general business; but the question has arisen, who is to give this statement of Canada business? It used to be given and it is in many cases given by the agent abroad.

Hon. Mr. SCOTT—The president of the company.

Hon. Mr. ANGERS—The president, secretary or actuary of the company abroad.

Hon. Mr. SCOTT—At the head office.

Hon. Mr. ANGERS.—Yes, for the Canadian business. The law courts of Canada have held that that was wrong, and that the law intended the Canadian business to be sworn to and given by the Canadian agent; and consequently, to make the law clear and in accordance with the decision of the courts, the real amendment is here, that business in Canada shall be given and sworn to by the Canadian agent of that company, whose head office is abroad. That is the object. They are bound by the present law to give a statement of their general business. This bill provides also that they shall do that. It is not a new enactment. This statement they shall give through their present secretary or actuary abroad. There is nothing there too stringent upon them. Now it is said you are going to force every company to have a chief agent in Canada. I say that in fact every company doing business in Canada is bound to have a chief agent here. They are bound to have some one to receive the summons of a court when necessary. All that the hon. gentleman has said would apply to the bill as printed first. I think he had seen the agents of the foreign companies before I met them, and that all the objections they made to this clause when speaking to him, they made to me and I have taken steps to satisfy them on that point.

Hon. Mr. SCOTT—Has the bill been reprinted?

Hon. Mr. ANGERS—No, but I read an amendment which I propose to make to the clause which will remove all objections raised by the companies. It is to the effect that such chief agent shall keep at the chief agency in Canada records and documents sufficient to enable him to prepare and furnish the statement of Canada business in this section provided for, and such that said statement of Canada business may be readily verified therefrom. Now that is not imposing, as my hon. friend thought at first it was, $100,000 expense on the companies. It is neces-

sitating, perhaps, a few postage stamps to pay for the correspondence between the head offices abroad and the chief agents in Canada. If he does not get directly all the returns that are made by the sub-agent, if they go to the offices in the United States or in England, they will just send them back to their chief agent in Canada, or send copies of the necessary documents and records to put them in a position to give a statement of the Canada business and the statement of the business done abroad shall be furnished by the secretary or president or actuary of the company wherever he is, so that in fact this clause provides for nothing that is not required now of the company, except that it complies with the judgment of the court that when they speak of Canadian business it means that it must be sworn to by the chief agent of the company in Canada.

The motion was agreed to and the bill was read the second time.

## WOLSELEY AND FORT QU'APPELLE RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. PERLEY moved the adoption of the report of the Standing Committee on Railways, Telegraphs and Harbours on Bill (N) "An Act to incorporate the Wolseley and Fort Qu'Appelle Railway Company." He said: This report provides for some amendments in the first section, which are of no material importance, merely affecting the residence of the charter members. The most important clause has reference to the gauge of the railway. The bill provides for the ordinary gauge of 4 feet 8½ inches, but it was thought advisable to add that a narrower gauge might be adopted if the company felt it desirable for the construction of the road. If this company could not borrow the money for a line built on the broader gauge, it might be able to borrow for a line with a narrower gauge, and they are given that option. The next amendment has reference to the capital stock. In the case of the broad gauge it is fixed at $400,000, in the case of the narrower gauge it is $250,000. The last amendment provides for voting by proxy at the annual meetings.

The motion was agreed to and the bill was read the third time and passed.

## BILL INTRODUCED.

Bill (37) "An Act to incorporate the Duluth, Nepigon and James Bay Railway Company."—( Mr. Perley.)

The Senate adjourned at 4.40 p. m.

---

## THE SENATE.

*Ottawa, Tuesday, 1st May, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE DILLON DIVORCE CASE.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of the Bill (T) "An Act for the relief of James St. George Dillon."

Hon. Mr. BELLEROSE—Generally the Roman Catholic members of the Senate though opposing those divorce bills, take no objection to their passing, because they know that a majority of the House is in favour of them, and they are satisfied with the report that such a bill has passed on a division. I do not know whether my information is reliable or not, but I hear that the two parties in this case are Catholics, and I think that in a matter of this kind, the House ought not to grant the prayer, holding that Catholics consider the marriage tie binding upon them. The House ought not to interfere with the parties and the Bill should not be read the second time. I see by the bill, the second reading of which is now proposed, that Dillon is to be given the right to marry again. That is the most objectionable part, and there is a difference when the parties are Protestants. Protestants do not believe that the tie is binding, and this explains why the majority of the House gives the right to divorced persons to marry again.

Hon. Mr. DEVER—How can they be Catholics if they rebel against the Church?

Hon. Mr. BELLEROSE—I know very well that this act of theirs will show that they are not the Catholics they ought to be, but there are good and bad Catholics as

there are good and bad Protestants. Every day we see good readers of the Bible who will do the contrary to what the Bible says. I think we should not give bad Catholics the right to marry again. Under these circumstances, I believe it is my duty to move that the bill be not now read the second time, but that it be read the second time six months hence.

Hon. Mr. LOUGHEED—I would suggest that the hon. member allow this matter to stand until the evidence is taken. It is a dangerous precedent to introduce in the House to disapprove of the prayer of the bill upon mere hearsay as the hon. gentleman now proposes. There should be some evidence before the House, on oath or otherwise, that my hon. friend's contention may be proved correct in fact.

Hon. Mr. MILLER—I do not see what the House has to do with the fact as to whether the parties are Catholics or not. If they apply to this Parliament for divorce, and can show themselves entitled to it before the committee, I do not see why they should not obtain it.

Hon. Mr. ALMON—It appears to me we are usurping the power of the Church. I think the matter as to whether the parties should live together or not, should be left to their clergy to decide.

Hon. Mr. BELLEROSE—I cannot agree with the hon. gentleman from Richmond (Mr. Miller). If I understand what he said, he contended that the House has nothing to do with the question of whether they are Catholics or Protestants. I believe we have something to do with it, because the House, I am sure, has no intention to grant a power to any individual in this country to do what he himself feels he cannot conscientiously do. As Catholics consider the tie binding, I am sure the House would not grant such a prayer to Catholics. We should look into that question just as we look into other questions, before granting what is asked. At all events, I have felt in duty bound to say what I have said, but I believe that the hon. gentleman from Calgary is right. The bill has to go before the committee, and if it should transpire there that both parties are Protestants, I would not care to meddle with it. After the bill is returned to this House from the committee, it can then be dealt with. I beg leave to withdraw the amendment.

The motion was agreed to on a division.

## YOUTHFUL OFFENDERS' BILL.

### SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (Y) "An Act respecting the arrest, trial and imprisonment of youthful offenders." He said: This bill has been printed and distributed in English, but if I am to take as a guide the Orders of the Day here, I do not see the letter "F" appended to it indicating that it has been printed in French. I must, therefore, throw myself upon the indulgence of the hon. gentlemen who desire to have the bill printed in French as to whether I may be permitted to go on with it under the circumstances.

Hon. Mr. POIRIER—It is an important bill. You might wait, I think.

Hon. Mr. MASSON—It is high time that the printing in French should be brought up to the mark. The bill is not yet printed in French. The English version of the Insolvency Bill has been distributed throughout the whole country and we are going through it as if everybody knew all about it, but it has not yet been printed in French. We wish to do only what is reasonable, but I think that these bills should be printed and distributed in French. The committee has taken means to have an extra staff to have bills printed in French and it could be done. If it is not done next week, as an individual member of the Senate, I shall object to every bill brought into the House unless it is printed in French.

Hon. Mr. ALLAN—Do I understand that the hon. gentleman objects?

Hon. Mr. MASSON—No, I do not object to this bill.

Hon. Mr. ALLAN—I would like to go on with the bill if there is no objection to it.

Hon. Mr. BOWELL—I may explain to the hon. gentleman from Terrebonne that I have given instructions to the Clerk to employ all the hands possible in order to facili-

tate this work, because there is no doubt we have been kept waiting day after day for the want of the French translation. I hope that the difficulties which have occurred in the past will be remedied.

Hon. Mr. MASSON—I do not want the Senate to think that we are the least unreasonable, but in future I shall object to every bill unless it is printed in French.

Hon. Mr. ALLAN—Last year I had the honour to introduce a bill in this House, embracing somewhat similar provisions to those contained in the bill now before you. Some objections were made to its details by the Deputy Minister of Justice, and as it was late in the session, I judged it better to withdraw the bill rather than run the risk of its not being carefully and patiently considered. The bill which is now before the House is, as I have said, somewhat similar to the one of last year. I may mention that I have received very valuable assistance from the law clerk of the House in its preparation, and it has also been submitted to the criticism of the Deputy Minister of Justice, and I hope that in its present shape it will meet with the approbation and approval of this honourable House. The object of the bill, as set forth in the preamble, is to make provision for the separation of youthful offenders from contact with older offenders and habitual criminals during their arrest and trial and to make better provision than now exists for their commitment to places where they may be reformed and trained to useful lives instead of being imprisoned. Before going into the details of the bill, I may perhaps be permitted to say a few words in regard to the general subject of the treatment of youthful offenders and the care and protection of neglected children. I presume it must be well known to all hon. gentlemen who take any interest in this subject, that the condition and arrangements of our jails and lock-ups have long been of the most unsatisfactory character. Of course, I am speaking generally—no means exist for the proper classification of prisoners. Youthful offenders awaiting their trial for a first offence, perhaps a comparatively trivial one or undergoing sentence after conviction, are placed in the same cells with old and hardened criminals from whom they can learn nothing but what is evil, and in whose degrading company they soon lose in all probability whatever little self-respect they may have left. With a few exceptions, one is the jail in Toronto where prisoners are classified, as well as the construction of the jail will permit it to be done—this is the present condition of things. Indeed I may point out that even in such places as the Central prison, at Toronto, and the penitentiary at Kingston, no means exist for the separation of youthful offenders from the most depraved and hardened criminals. In view of this condition of things, the Prison Reform Conference, the Prison Reform Association and the Prisoners' Aid Association of Canada have, ever since 1891, been strongly urging the establishment of a Dominion reformatory for youthful offenders, and if the House will allow me I should like to read an extract from a report of the Inspector of Prisons, Mr. Moylan, in a letter sent to the Minister of Justice in 1891 on the subject, because what he says there with regard to the separation of youthful offenders from hardened criminals, applies to the very principle contended for in the bill before the House. Mr. Moylan says:

> It is one of the recommendations of the Ontario commissioners to establish an industrial reformatory, where "young men between the ages of seventeen and thirty, who have been convicted, for the first time, of a felony or serious misdemeanor, and who, in the opinion of the judges imposing sentence, are proper cases for reformatory treatment," should be sent and "committed for an indeterminate period." This recommendation is a good one and must commend itself to general approval. Its taking practical shape would be, for first offenders, the realization of what has been urged in these reports, so frequently, for convicts well disposed and who give promise of reform. They should be separated from the habitual and hardened criminals. It requires no argument to show the paramount importance, the crying necessity there is to make some fit provision by which so great a number of young men may be saved from being thoroughly corrupted and ruined by constant association with the depraved and vicious, who, by their tact and cunning will escape being committed to the prison of isolation. Allow me to bespeak your best consideration in behalf of this large array of human beings, on the threshold of manhood, who are standing perhaps, on the very brink of destruction by becoming confirmed criminals. They may be saved from this fate, if timely steps be taken to rescue them from further contact with vice, and from the contaminating influence of wicked associates. The architectural construction of our penitentiaries does not permit the complete separation and classification required to prevent the baneful effect arising from the co-mingling of the neophytes in crime with those who are seasoned in guilt. I beg leave, therefore, earnestly, to

recommend the establishment of a prison, wholly reformatory in its character and management, wherein persons, between the ages of sixteen and thirty, convicted of their first known crime, entailing upom them a sentence of two years and more, would be confined, in view of being subjected to such discipline and treatment as their previous habits and training, disposition and age may render necessary.

I very earnestly hope that the Government may see their way this session to meet the very urgent representations which have been made to them on this most important subject, and that ere long we shall have a reformatory for first offenders established for the whole Dominion. It is this very principle of the separation of youthful offenders from the contaminating influences of association with hardened criminals just at the very turning point of their lives for good or evil, and bringing them under kindly and reforming influences, instead of condemning them to imprisonment where they will come in contact with offenders who can only have the most pernicious influence upon them, that I venture to submit this bill as it is now drafted for the approbation of the House. The first clause of the bill enacts :—

1. Section 550 of "The Criminal Code, 1892," is hereby repealed and the following section substituted therefor:

"550. The trials of young persons apparently under the age of seventeen years, shall take place without publicity and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose."

2. Young persons apparently under the age of seventeen years who are :—

(*a*) Arrested upon any warrant ; or

(*b*) Committed to custody at any stage of a preliminary inquiry into a charge for an indictable offence ; or

(*c*) Committed to custody at any stage of a trials either for an indictable offence or for an offence punishable on summary conviction ; or

(*d*) Committed to custody after such trial, but before imprisonment under sentence,—

Shall be kept in custody separate from older persons charged with criminal offences and separate from all persons undergoing sentences of imprisonment, and shall not be confined in the lock-ups or police stations used for older persons charged with criminal offences or for ordinary criminals.

I desire to call attention to the second clause first, that which relates to the custody of a youthful offender before and after trial. As matters stand now, a boy or girl of tender years may be arrested for some comparatively trifling offence, led perhaps into wrong-doing by neglect or ill-treatment at home. If that child has committed an offence against a Dominion law, he is liable to be sent to a police cell or a jail to pass the time before they are brought up for examination, in the company of men or women of the most degraded moral character. That is as the law stands now. These people, as we all know, make a jest of wrong-doing and from contact with them the young offenders can learn nothing but evil. They are then brought up for trial in a crowded police court, the place often filled with idle curious people and loose characters of both sexes. They are exposed to the coarse jests and remarks of those who are gathered there. If, as I have said, the boy or girl is a novice in wrong-doing, if it is the first transgression, the first departure from the right path, can any treatment be more thoroughly calculated to break down all remaining self-respect and make them feel that they are so disgraced, that they can never hope to recover the lost ground? Let me quote a case in point as reported in one of the Toronto papers :

"Where practical and expedient, all cases of children under sixteen shall be tried separately and apart from adults," so runs the clause of the Criminal Code referring to juvenile offenders. It is difficult, however, to induce the police and magistrates to comply with the spirit of the Act, as two cases called in yesterday's Police Court go to show. I. B., aged fifteen, was charged with stealing a hat from her sister, and A. N., aged thirteen, was charged with stealing 65 cents, and a brush and comb from her employer, Mrs. W. The N. girl was remanded on bail till to-day, and B. was allowed to go on remanded sentence. This was the first time either of the girls had been in the hands of the police. They were arrested on Saturday night, kept in the police cells all night, carted to the jail on Sunday, and placed with some pretty bad characters ; taken from jail in a van, crowded with the very worst class of women and men, and brought up in open court, and made known to all the bad characters who frequent the building, so that in future these two children cannot pass along the streets without being recognized by the very class of people from whose clutches, it is claimed, the arrests were made to save them. Mr. Duvernet, acting for Mr. J. J. Kelso, Provincial Superintendent of Neglected Children, made an effort to have the case heard privately, but the magistrate refused to hear the cases in private.

That is only one of a good many other cases of the kind. But suppose the case of a boy, an older offender who having unhappily fallen among bad and vicious associates has been gradually going on from bad to worse. It may not be the first time that he has made his appearance before a magistrate. He takes his place in the dock rather as if

he thought himself a hero, and is so regarded by his associates among the spectators in the court. Take away the notoriety which his public trial confers upon him for the time and he will regard the situation in a very different light. Try him publicly, send him down to spend the time of his detention or his punishment with old and hardened offenders and he will go on very probably graduating in crime until he becomes a candidate for the Central prison or the penitentiary. I do not think then that there can be any question, that it is most desirable that the trials of youthful offenders should take place without publicity and apart from other accused persons. I am glad to say that under the law as it now stands in Ontario, youthful offenders charged with offences against the laws of the province must be tried separately and apart from other offenders, but as in the large majority of cases children are brought before the magistrate on some petty charge of larceny, which is an offence against the Dominion law, and the Criminal Code only declares that the trial shall take place without publicity and separately so far as the same may be expedient and practicable, the result has been pretty generally that the magistrate has not found it expedient or practicable and the law has become a dead letter. It is for this reason that I ask the House to make the clause obligatory and imperative. I do not think that there can be any serious difficulty in making the necessary arrangements for the separate trial of young offenders and for this reason, that in the province of Ontario, at all events, that is now the law with regard to all offences against provincial laws. There has to be provision made both as to separate trial and separate confinement of youthful offenders both before trial and when committed to custody after trial, and there can be no reason therefore why the same course should not be carried out in the case of all offenders against Dominion laws.

Hon. Mr. SCOTT—What is the age in Ontario?

Hon. Mr. ALLAN—Sixteen. I come now to the third clause which provides as follows:

3. If any child, appearing to the court or justice before whom the child is tried to be under the age of fourteen years, is convicted in the province of Ontario of any offence against the law of Canada, whether indictable or punishable on summary conviction, such court or justice, instead of sentencing the child to any imprisonment provided by law in such case, may order that the child shall be committed to the charge of any home for destitute and neglected children or to the charge of any children's aid society duly organized and approved by the Lieutenant-Governor of Ontario in Council, or to any certified industrial school.

I have made this and the subsequent clauses applicable to the province of Ontario only, because it is only in that province, so far as I am informed, that the necessary machinery exists for dealing with young offenders as suggested by these clauses. Clause three supposes the case of a child under fourteen years of age, convicted say of larceny. Instead of sentencing so young a child to be simply punished by a term of imprisonment, from which he will in all probability, come out worse than he went in, the judge will have it in his power to order the child to be committed to the charge of a home for destitute or neglected children, or to the charge of a children's aid society. What is wanted in dealing with such youthful offenders, who in nine cases out of ten have drifted into wrong-doing from utter neglect or the evil example of drunken or vicious parents, is not merely to punish but to reform them, to place them where by kindly treatment and christian teaching they may be weaned from evil habits and sent out again into the world to do their duty as good and useful citizens. The next clause 4 deals with the cases of children of still more tender age:

4. Whenever in the province of Ontario, an information or complaint is laid or made against any boy under the age of twelve years, or girl under the age of thirteen years, for the commission of any offence against the law of Canada, whether indictable or punishable on summary conviction, the court or justice seized thereof may give notice thereof in writing to the executive officer of the children's aid society, if there be one in the county, and shall allow him opportunity to investigate the charges made, and may also notify the parents of the child, or either of them, or other person apparently interested in the welfare of the child.

2. The court or justice may advise and counsel with the said officer and with the parents or such other person, and may consider any report made by the said officer upon the charges.

3. If, after such consultation and advice, and upon consideration of any report so made, and after hearing the matter of information or complaint, the court or justice is of opinion that the public interest and the welfare of the child will be best served thereby, then, instead of committing the child for trial, or sentencing the child, as the case may be, the court or justice may, by order:—

(*a*) Authorize the said officer to take the child and, under the provisions of the law of Ontario, bind the child out to some suitable person until the child has attained the age of 21 years, or any less age ; or

(*b*) Impose a fine not exceeding $ ; or

(*c*) Suspend sentence for a definite period or for an indefinite period ; or

(*d*) If the child has been found guilty of the offence charged or is shown to be wilfully wayward and unmanageable, commit the child to a certified industrial school, or to the provincial reformatory for boys, or to the refuge for girls, as the case may be, and in such cases, the report of the said officer shall be attached to the warrant of commitment.

I may explain with regard to the children's aid societies, referred to in this clause, and their officers, with whom the judge may advise and counsel, that under a most admirable law, placed upon the Statute-book of the province of Ontario a little more than a year ago, called the Children's Protection Act, when, in any municipality, a children's aid society has been duly organized and approved by the Lieutenant Governor in Council, their officers may act as constables for enforcing the provisions of the Act, and the society may, under certain circumstances, act as the guardians of the child, and appear in behalf of any neglected or defendant child before a magistrate, and may, if the judge so order, have the child taken to their temporary home or shelter, until placed in some suitable foster home. It is these provisions of the Ontario statute that I think it is most desirable that we should avail ourselves of in dealing with offences against Dominion laws, by children under twelve or thirteen years of age. It is surely a reproach to us that children of that age should ever be sent to a common jail at all, and that the efforts of the State should not be directed to rescue them from their surroundings, too often of vice and wretchedness, and see that they are placed in some well ordered home where they may be trained up in honest habits and fitted to become good citizens, instead of allowing them to become by degrees hardened transgressors and ultimately to swell the numbers of those whose evil career lands them at last in Central Prison or the penitentiary. In connection with this subject there is a certain change which the Prisons Reform Association of Ontario and the Children's Aid Society have very earnestly urged upon the Minister of Justice of the Dominion Government and it is this, that there should be Dominion legislation to confer on the Provincial Government and its officers all requisite authority to pardon, parole or apprentice out and generally to exercise control over all children and youth sentenced or committed to reformatories or refuges or industrial schools in the province, and they point out that acting as the provincial authorities, with a thorough and intimate knowledge of all the circumstances of each individual case, they would be in a position to deal with all such offenders much more intelligently than can possibly be done if each case were referred to the authorities at Ottawa. I will not vouch for the correctness of it, but I was told in one case where a boy was placed in the reformatory and representations were made of his good behaviour and permission was sent to allow him out on parole, the permission did not arrive until after the date of the boy's sentence had expired. Now I mention this matter more particularly because, as I have said, it is a subject which has been brought up for the last two or three years at almost every meeting of the Prison Reform Association and the children's aid, and on their behalf I brought the matter under the notice of the Minister of Justice in the early part of the session, but I do not think he saw his way exactly to granting any such request, although we thought that when a deputation waited upon him with a similar object at Toronto some years ago, that he had expressed himself rather favourably to doing so. However, under the circumstances, I did not think it was safe to put anything of the kind in my bill ; but as the matter has been so strongly urged by those who take a very great interest in the whole of this subject, I thought it only right to mention the matter to the House, and I hope yet perhaps the Dominion Government may see their way to granting that power. These are, briefly, the aims and objects, so far as I have very imperfectly endeavoured to set them forth, of the bill now before us. I shall be very glad when the bill goes into committee, if the House allows it to pass the second reading, to go through it clause by clause and make any explanation in my power.

Hon. Mr. DEBOUCHERVILLE—I may have misunderstood the hon. gentleman, but I think he stated it was only in Ontario that these institutions where children could be sent were to be found.

Hon. Mr. ALLAN—No; I said it was only in Ontario that these children's aid societies existed. I did not refer to reformatories and industrial schools which do exist in other provinces, and I ought to have mentioned that there is a clause in the bill which provides:

> No Protestant child dealt with under this Act shall be committed to the charge of any Roman Catholic Children's Aid Society, or be placed in any Roman Catholic family as its foster home, nor shall any Roman Catholic child under this Act be committed to the care of any Protestant Children's Aid Society or be placed in any Protestant family as its foster home. But this section shall not apply to the care of children in a temporary home or shelter.

Hon. Mr. BOWELL—There is no objection, I believe, to allowing the bill to be read the second time, nor do I know that there would be a valid objection to its becoming law. However, it is a question of very great importance, and one which the hon. gentleman knows was discussed in this House last session, when some question arose as to jurisdiction. I called the attention of the Minister of Justice to the provisions of this bill just before coming to the meeting of the Senate to-day. He said he had looked at it, and said, speaking under correction, that he had an interview with the hon. gentleman and saw no objection to it. However, questions may arise as to how far this bill will affect the whole Dominion. I notice that in the 3rd clause it refers specially to Ontario. I have not examined it sufficiently to form an opinion myself upon the scope of the different provisions, and ascertain whether he intends it to apply to all the provinces or simply so far as the 3rd and 4th clauses that it should be confined exclusively to Ontario. It is a matter, however, which I shall leave in the hands of my colleague who is a lawyer and better able to judge not only of the constitutionality of the bill itself, but of the effect it would have upon the provincial laws in the different provinces. The object of the measure is commendable land laudable. No one could have listened to the remarks of the hon. gentleman without being convinced that he has had practical experience himself of the absolute necessity of some provision being made by which juvenile offenders, particularly those of tender age, when incarcerated, should be kept from the baneful influences of the older and hardened criminals.

Hon. Mr. KAULBACH—I see nothing in this bill which conflicts with the rights of the different provinces. Certainly, every member must be in favour of a bill of this character for the moral training of youthful offenders, and keeping them from contact with hardened criminals. But a question may arise with regard to the private trial of youthful offenders as to the class of crime committed; it may be a serious offence of a capital character, and in such cases publicity should be given to it, and it would act as a deterrent upon other people. It is therefore questionable whether the trial should be held in private, because youths should see the result of crime and a warning would be salutary to them and to the general public which would not be the case if the examination were entirely private. I think a great deal depends upon the nature of the offence. If it were a very heinous one I think a private trial would not be suitable for youthful offenders; punishment should be blended with the greater object of reform under moral and religious influences.

Hon. Mr. DICKEY—We must all sympathize with the benevolent object of the bill. Indeed it has a double object: one is to have a private trial in certain cases of young children, and the other is, when the time comes for trying them, or for confining them in pursuance of a sentence, it is very desirable that they should be kept separate and apart in some reformatory or public institute for reformation or for punishment. That is provided for by this bill. But as the mover has very candidly explained, the provisions of this bill contained in this first, second and third sections are obligatory, and it is my duty in connection with that to call attention to the existing law which this proposes to amend. This law provides not only that a private trial should take place, but that these child-offenders should be sent to reformatory or some industrial school or some such institution and confined there. Now with regard to the first point, I am not aware, so far as my acquaintance with the shire towns outside of the capital in Nova Scotia extends, that there is any provision whatever for this separate confinement in that province. Then, again, with regard to the second branch of the bill which deals with the position of the

offenders after judgment, there is no provision practically outside of Halifax, I think, which would enable this bill to go into operation there. All these difficulties were patent two years ago when the Act, of which this is an amendment, was under discussion and they were provided for by the Act in this way. The 550th section which this bill proposes to amend is to this effect:

> The trials of all persons apparently under the age of sixteen years shall, so far as it appears expedient and practicable, etc.

This bill has not that qualification, but makes it obligatory, and then comes the question, how can this bill be carried out in provinces where there are no conveniences for separate trials at all? I submit that point because it is of some importance, inasmuch as if these persons were confined in the common jail, it might be the subject of an application for a habeas corpus to discharge them. If this is obligatory, as a matter of course they must be confined in the place of confinement provided for by this Act, or their confinement would be illegal altogether. I think that is a point of very considerable importance. The other provisions of the bill are strictly applicable only to the province of Ontario and can only be considered with reference to that province. I dare say they may be workable in that province, and if so they will have a good object and a good tendency, inasmuch as they will get rid of the scandal of young people being brought into prison with hardened offenders; and after judgment they will be kept in a reformatory instead of being in a cell with these hardened offenders. I therefore approve of the general principle of the bill, but I think in legislating we ought to be careful how our legislation can be carried out. As yet I have heard no reason why this change is made in the section. There is another point that I should like to call attention to, that the age in the Criminal Code is sixteen. By this bill the age is raised to seventeen. I do not know why it is raised; we have heard nothing on this point. I think perhaps those matters may be better dealt with in committee.

Hon. Mr. ALLAN—I should have thought my hon. friend had heard quite sufficient reasons why I sought to amend the clause as it stands in the Criminal Code, because I stated that, practically, the present law had become inoperative. A magistrate naturally enough, I daresay, desires to save himself the trouble of having a separate trial of a youthful offender, and he does not find it practicable or expedient to do so. The case which I alluded to, of those two little girls, is pretty strong proof of the necessity which exists for some arrangement of that kind. In Ontario, of course, there may be no difficulty now, because under the Children's Protection Act, which I have alluded to, the magistrates are compelled in all such cases to hold these trials separately. I may state that I first submitted the draft of the bill to Sir John Thompson, and suggested that there might possibly be a difficulty as to a separate trial and confinement in other provinces. I proposed first to limit it to towns of a certain size, but the Minister of Justice did not seem to think that necessary or desirable, and, therefore, I did not put in any such limitation; but, after all, surely it is worth while that some little trouble and some little expense should be gone to if need be to provide a separate room where these children could be tried, and to make some arrangements even in a jail where they can be separately confined. Surely if it is admitted that it is a crying evil that children are tried publicly, and sent down to jail to associate with hardened criminals, it is worth while to take some little trouble and expense to provide the necessary means for carrying out the proposed law. However, when the bill comes before the Committee of the whole House, I presume each clause can be taken up and discussed.

The motion was agreed to, and the bill was read the second time.

## PRESERVATION OF GAME IN NORTH-WEST TERRITORIES BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (Z) "An Act for the preservation of game in the North-west Territories."

Hon. Mr. POWER—I wish to express my hearty concurrence in the principle of the bill. I think that the Government have taken action in good time, and that their action deserves to be commended. I am always ready to find fault with them

when they do what is wrong, and I think it is only proper to praise them when they do what is right. I rise further for the purpose of indicating to the hon. Minister in charge of the bill two or three points as to which I think the bill would bear amendment when we go into committeee on it. The fifth clause of the Bill provides for a close season. The close season is as follows in paragraph *b* of the fifth clause :—

Elk, moose, cariboo, deer, mountain sheep and mountain goats, between the 1st April and the 15th July.

Our experience in the lower provinces is that it would not do at all to allow the killing of moose or cariboo as early as July ; there the killing is prohibited until the middle of September ; and I do not think that the killing of those animals in the month of July and the first half of August should be allowed. Then between the first day of October and the last of December is also a close season. Of course the conditions in the North-west Territories are different from those in the lower provinces, but it has been found that the greatest slaughter of those animals takes place in the early spring months, while the snow is still on the ground and there is a frozen crust on the surface of the snow, so that the animals are not able to escape from the hunters. No one should be allowed to hunt moose, cariboo or deer with dogs in the months of February and March. The close seasons for grouse, partridge, pheasants and prairie chickens is from the first of May to the first of August. There, again, the close season is too short ; it certainly should extend to the first day of September.

Hon. Mr. MACDONALD (B. C.)—And March, too.

Hon. Mr. POWER—Possibly March too, but I am speaking now of the termination of the season. In the month of August the birds are very young. All young grouse and partridge and pheasants, and I presume prairie chickens are helpless. They go in coveys and can be slaughtered without difficulty. If the Minister takes the matter into consideration and consults with gentlemen who are familiar with that North-west country, he will find that it will be desirable, if the bill is to have a useful operation, to extend the close season at any rate to the first of September. I mention these things at the second reading of the bill simply to suggest to the Minister in charge the points in which I think the bill will bear amendment.

Hon. Mr. KAULBACH—If the conditions in the North-west are the same as they are in Nova Scotia, my hon. friend is quite right. In Nova Scotia the close season is not long enough, especially in the autumn, This bill no doubt is one of very great importance and very comprehensive in principle, although necessarily curtailed and local in its operation, in consequence, I presume, of the different provinces having their own game laws. It would be very important if there could be some arrangement between the provinces so that there could be uniform regulations for the preservation of game in the country north of the St. Lawrence and the great lakes. It ought to apply to all that northern country. Of course there is an objection that each province has its own game laws, and that we cannot interfere with them only as far as our territorial rights apply. The bill seems to be very comprehensive. It is very desirable that the game should be preserved and if it could possibly be that the same rules with regard to the preservation of game could be applied to all the country north of the St. Lawrence, it would be of far greater advantage to the country. There should be joint action to avoid extinction of the various and valuable animals peculiar to Canada's northern regions.

Hon. Mr. BOWELL—Suggestions of this kind are very valuable, more particularly in a bill of this character, which will, I hope, have a beneficial effect in the portions of the country to which it refers and over which we have jurisdiction. Of course it is known that we have no power to deal with the game laws so far as the provinces are concerned, but the suggestion made by the hon. gentleman from Lunenburg is worthy of consideration, that the law should not only extend to the North-west Territories and to Keewatin, not included in the territory governed by the North-west Council, but also to those territories north of Quebec which are portions of the Dominion, but not within the province of Quebec. That is a matter to which I will call the attention of the Government. I might mention, for the information of the senior member from Hali-

fax, that this bill has been already submitted to the Hudson Bay Company's officials, who have a thorough knowledge of the seasons at which the different animals and birds should be protected. However, it is a question which I will further inquire into, but having first submitted it to them they made certain suggestions as to the close seasons and pointed out the periods of the year at which game should not be hunted. Still I will see that that point is properly looked into before we go into committee, and if it should be found advisable to extend the close season we shall be only too glad to do it. I quite agree with the hon. gentleman's remark that by taking time by the forelock we may prevent those disasters which have occurred already in the North-west Territories. I repeat what I said when I introduced the bill, that if we had years ago taken the advice of those who had a thorough knowledge of the habits of the Indians and the means of subsistence which they had at their hands, and passed a bill prohibiting the killing of game during the close seasons in the North-west Territories, in all probabilities we should have prevented the destruction of the buffalo.

Hon. Mr. PERLEY—You could not have populated the country then.

Hon. Mr. POWER—We found with respect to the preservation of moose and cariboo in Nova Scotia before the union with Canada, that it was necessary to prohibit the exportation of moose and cariboo hides and heads.

The motion was agreed to, and the bill was read the second time.

## THE DOWNEY DIVORCE BILL.

### THIRD READING.

Hon. Mr. GOWAN moved the adoption of the tenth report of the Standing Committee on Divorce. He said: I find that members generally object to any detailed examination or review of the evidence in divorce cases. It is printed certainly, and before them, and they can examine and judge for themselves. I will only say the evidence in this case shows that the husband was guilty of many and persistent acts of adultery which his ill-used wife forgave, every one of which, however, the husband's own conduct revived, by the recommittal of the same offence, after forgiveness. The evidence further proves the commission by the husband of other acts of adultery, which were unknown to the wife at the time he deserted her. These last were established by a witness who saw the respondent in the actual commission of the crime, with the unfortunate young woman named in the evidence. These, or any of these acts proved, entitle the petitioner to the relief she seeks. The committee had no hesitation in finding her case was fully made out, and have accordingly recommended that the bill for her relief be passed, thus as far as possible freeing a blameless woman from the stigma of being called the wife of a faithless husband—a grossly immoral man—who ended his career in Canada by deserting the woman he had vowed to love and cherish to his life's end.

The motion was agreed to.

The bill was then read the third time and passed.

## BILLS INTRODUCED.

Bill (56) "An Act to incorporate the Dominion Woman's Christian Temperance Union"—(Mr. Vidal.)

Bill (28) "An Act respecting the Ontario Mutual Life Assurance Co."—(Mr. Merner.)

Bill (26.) "An Act respecting the Ottawa Gas Co."—(Mr. Clemow.)

## THE INSOLVENCY BILL.

### MOTION.

Hon. Mr. ANGERS—An additional number of copies of the English edition of the Insolvency Bill has been printed for distribution. It is only now that the French edition is before us, and as we would like to have some copies for distribution in the province of Quebec, I move that one thousand additional copies of the French edition be printed.

The motion was agreed to.

The Senate adjourned at 4.40 p.m.

## THE SENATE.

*Ottawa, Wednesday, 2nd May, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## ATLANTIC AND NORTH-WEST RAILWAY COMPANY'S BILL.

AMENDMENT CONCURRED IN.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (30) "An Act respecting the Atlantic and North-west Railway Company," with an amendment. He said: There is but one amendment. It is in the clause which relates to the power to amalgamate with or lease to the Canadian Pacific Railway Company. This clause is strictly framed according to the model bill, but as it relates to a railway which extends practically from ocean to ocean, an amendment is made in the part of the clause which refers to the notice to be published in the newspapers. We thought it reasonable that the clause should be modified in such a way that this notice would not require to be published in every county between the termini of this railway, that is to say, in every county through which the railway runs across the continent. Therefore, the clause relating to the publication of the notice is amended to provide that it shall only be in the counties covered by the agreement between these two companies. So if there is any provision for amalgamation or lease with the other company, the notice need only be given where it is necessary that it should be known. I see no objection to the amendment.

Hon. Mr. MACINNES (Burlington) moved that the amendment be concurred in.

The motion was agreed to.

## THE LIBRARY OF PARLIAMENT.

MOTION.

The SPEAKER presented the report of the Library Committee.

Hon. Mr. ALLAN moved the adoption of the report. He said: The only matters of any moment in this report are with reference to the commemoration plate regarding the first steamship which crossed the Atlantic. A sub-committee has been appointed to investigate the papers which were submitted to the committee, but not read, proving that there is no question about it, Canada has the honour of having owned the first steamship that crossed the Atlantic. The other recommendations are with reference to the purchase of copies of Mr. Clement's book on the constitution of Canada, and copies of Mr. Kingsford's History of Canada.

Hon. Mr. DEBOUCHERVILLE—I understand that it is not customary to take up a report of this kind until it is adopted in the House of Commons.

Hon. Mr. ALLAN—I understand it is to be adopted there to-day.

Hon. Mr. KAULBACH—As this report involves an expenditure of a considerable sum of money, I would suggest that it would be better to postpone its adoption until we know that it has been adopted in the House of Commons.

Hon. Mr. ALLAN—Of course nothing can be done until the report goes through the other House.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (BB) "An Act to enable the Government of the North-west Territories to unite with the province of Manitoba in the construction of a railway to Hudson Bay as a public work."—(Mr. Boulton.)

Bill (CC) "An Act further to amend the Indian Act, Chapter 43 of the Revised Statutes."—(Mr. Bowell.)

## A PROPOSED ADJOURNMENT.

Hon. Mr. PERLEY moved that when this House adjourns to-day it stands adjourned until Tuesday the 15th instant at eight o'clock in the evening.

Hon. Mr. BOWELL moved in amendment that when this House adjourns to-day, it stand adjourned until Monday next at 8 p.m.

After some discussion the motion and the amendment were withdrawn.

## CANADIAN MUTUAL LIFE ASSOCIATION BILL.

The Order of the Day having been called,

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill K) "An Act to incorporate the Canadian Mutual Life Association."

Hon. Mr. ALLAN said: This is the report of the Committee on Banking and Commerce, in respect to the Canada Mutual Life Association which was to be taken into consideration to-day. I have all the various amendments here before me and am prepared to explain them to the House, but I understand it is the intention of the hon. gentleman who has charge of the bill (Mr. Clemow) to move that the report be referred back to the committee for further consideration, I believe upon the ground that one amendment that the committee made increasing the number of members from 200 to 500 and the amount to be subscribed from $100,000 to $500,000, was objected to by the promoters of the bill. What is desired is that this should be referred back to the committee in order that it may first be seen in what shape the amendment to the General Insurance Act, introduced by the Government and now before the House, will pass and, as I understand, if the amendments pass as they are now in the bill, both as regards money and subscriptions which companies must have before they can be incorporated, then no further objection can be made to the report of the committee. I do not know whether it is worth while taking up the time of the House explaining the amendments if my hon. friend intends to make the motion, and therefore I wait until I know what he intends to do.

Hon. Mr. CLEMOW—The hon. gentleman has correctly stated the effect of the resolution I intend to move. I do not object to the bill introduced by the hon. Minister of Agriculture, and I therefore move that the whole bill be referred back to the Committee on Banking and Commerce for further consideration.

The motion was agreed to.

## SECOND READINGS.

Bill (37) "An Act to incorporate the Duluth, Nepigon and James Bay Railway Company."—(Mr. Ferguson.)

Bill (P) "An Act for the relief of Joseph Thompson."—(Mr. Clemow.)

## OTTAWA GAS COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (26) "An Act respecting the Ottawa Gas Company." He said: This is a bill merely to allow the Gas Company to raise money to the extent of half of their paid up capital to enable them to make certain improvements on their work, They wish to lay new pipes preparatory to the city paving the streets, and to make other improvements. It is consented to by all the shareholders and I suppose there will be no opposition.

Hon. Mr. POWER—I do not think the arguments presented by the hon. member are sufficiently strong to induce this House to pass that measure. We have on the order paper a bill introduced by the hon. member from Quinté for the purpose of limiting the powers of such companies and I do not think we should read this bill a second time until that is disposed of. It does not appear to me the gas companies suffer much from want of power. They appear to be a comparatively comfortable lot of gentlemen and I think they had better try and get along as they are until it is shown that the measure is absolutely necessary.

Hon. Mr. CLEMOW—There is no difficulty in showing in the committee that the company have not borrowing powers and it is absolutely necessary to lay new pipes in the city. It is going to cause a large outlay of money and it is necessary that the company should be enabled to raise this money. I do not think the public have anything to do with it.

Hon. Mr. READ (Quinté)—It might be well to lay this over. We might set off one bill against the other.

The motion was agreed to.

## AN ADJOURNMENT.

Hon. Mr. ANGERS—I have the honour to move that when this House adjourns to-day it stand adjourned until Friday afternoon at three o'clock.

Hon. Mr. KAULBACH—I object to that motion.

Hon. Mr. ANGERS—You cannot.

Hon. Mr. KAULBACH—I can, because it is necessary to give sufficient notice. You must give two days' notice before you can make a motion.

Hon. Mr. ANGERS—The hon. gentleman will understand why the motion is made. The 3rd rule says: "The time for the ordinary meeting of the Senate is at three o'clock in the afternoon, unless some other time shall have been previously ordered." To-morrow being a holiday it is not the desire of the senators to be in attendance here. To-morrow is a legal holiday and it is necessary therefore to move that when the House adjourns it stand adjourned until Friday, otherwise you would have to sit to-morrow.

Hon. Mr. KAULBACH—There is the Divorce Committee which is going to sit to-morrow. However, I will withdraw my objection.

Hon. Mr. FLINT—I move in amendment that when this House adjourns to-day it stand adjourned until Tuesday evening at 8 o'clock.

Hon. Mr. ANGERS—This amendment would be out of order.

Hon. Mr. SCOTT—I do not think it is necessary there should be a special motion. There is not a special motion for adjourning over Saturday or Sunday. To-morrow is a statutory holiday. We do not sit on such days, under our constitution, and therefore there is no objection that I can see to the motion.

Hon. Mr. ANGERS—Under the rule we have to sit to-morrow.

Hon. Mr. POWER—The hon. gentleman's motion is, I think, necessary. Rule 7 provides that when the Senate adjourns on Friday, unless otherwise ordered, it stands adjourned until Monday. There is no provision as to statutory holidays, and I think the motion is necessary.

The amendment was withdrawn and the motion was agreed to.

The Senate adjourned at 4.40 p.m.

## THE SENATE.

*Ottawa, Friday, May 4th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## MONTREAL HARBOUR COMMISSIONERS BILL.

POSTPONED.

The Order of the Day being read,

Committee of the Whole House on (Bill S), "An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal."—(Honourable Mr. Bowell.)

Hon. Mr. BOWELL said: Some objection has been made to the extension of the harbour as laid down in the bill, and the harbour commissioners were to have communicated with the Minister of Marine and Fisheries on that subject. He has written them, he tells me, and they promised to give him their views, and he asked me not to go on with the bill until he had heard from them. I therefore move that the Order of the Day be discharged and that the bill be taken into consideration on Monday next.

The motion was agreed to.

The Senate adjourned at 3.45 p.m.

---

## THE SENATE.

*Ottawa, Monday, 7th May, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## HARBOUR COMMISSIONERS OF MONTREAL BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (S) "An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal"

(In the Committee.)

On the 5th clause,

Hon. Mr. BOWELL said: I would ask that clauses 5 and 6 be allowed to stand for the present as a telegram has been received from the Harbour Commissioners to the following effect:

At a special meeting of the Harbour Commissioners to-day, I was authorized to telegraph you that, as there is opposition to the extension of the harbour limits by some of the municipalities interested, it was decided to ask you to have the proposed extension of the harbour limits expunged from the bill now before the Senate and to insert therein the limits as defined by Acts 36 and 18 Victoria.

As, however, by these Acts the northern and southern limits of the harbour were not defined and the eastern boundary was rather indefinite, it was intended to have these three sides defined as per a memorandum now in the hands of the law clerk of the Senate, which it is thought might be inserted in the clauses defining the limits of the harbour. Under these circumstances it is thought advisable by the Department of Marine and Fisheries and the Government that the request of the Harbour Commissioners should be acceded to, and the law clerk is now preparing a new clause to be substituted for these two, defining the harbour as it has existed for years, and the eastern limit so as to make it definite and complete, or in other words to affirm by law what has been the practice since the Harbour Commissioners have taken over the trust from the Trinity House.

Hon. Mr. DESJARDINS—Has the hon. gentleman a plan showing the limits as proposed, and as they are to-day?

Hon. Mr. BOWELL—I was in hopes that I would have had it for to-day, but I have not yet received it. I will have it before the consideration of the Bill is completed.

Hon. Mr. OGILVIE—I think it is very important that we should have the plan. There have been a dozen law suits at least to my own knowledge, some of them running for a dozen years, arising out of those limits.

Clauses 5 and 6 were allowed to stand.

On the 8th clause,

Hon. Mr. DESJARDINS—I think it is time that a change should be made. It is a long time since the port of Montreal ceased to be a merely local port and I think it would be quite desirable, looking at the case from a Dominion standpoint, to have authorities who would be more directly responsible to the public than the commission as it is now constituted. It is true that the majority of the Commissioners are appointed by the Government, but the different bodies who send members have such an influence that instead of the interests of the harbour of Montreal being always considered when the question of improving or extending it arises, local questions and sometimes quite sectional questions are much more considered than the important one of building up a harbour for the good of the Dominion. Although we see as the result of new blood having been recently introduced into the commission, that the narrow views of the question are beginning to improve and the subject is being looked upon from a broader standpoint, yet I think the Government should take a more direct interest in the question itself, and hold itself more openly responsible for whatever is done in connection with the harbour. Although it may appear that the Government control the harbour because of the number of commissioners appointed by them, yet the number of other commissioners who are sent there to represent interests from a local point of view, is such that the importance of the harbour to the Dominion is prejudiced to a certain extent. The Govrnment therefore, should see what could be done, after spending so much on the improvements of the St. Lawrence River and canals and subsidizing railways to convey the traffic of the west to Montreal, to insure the success of the route, and create a national through line of transhipment from one end of the Dominion to the other, and prevent local interests interfering to such an extent as to defeat the object of the sacrifices made by the country.

Hon. Mr. OGILVIE—I would like to continue a little further the remarks of my hon. friend from Hochelaga. It is very much easier to find fault with what is being done than to suggest a remedy; but it may not be the best plan to have these members appointed as they are, from the Board of

Trade, the Corn Exchange, the Chamber of Commerce, etc. These men may be very suitable members of the Chamber of Commerce, or the Board of Trade, or the Corn Exchange, but may know very little, indeed, if anything, about the improvements in the harbour, and if they did understand the subject tolerably well, they are there for a short term only. Then the Government, I do not hesitate to say—and I would say it if I were before the Harbour Board now—are very particular about the parties they have in their offices here, and some of them, we think, would be able to continue to work a little longer when they are superannuated, but certainly we have some members on the Board of Commissioners that should have been superannuated ten years ago; and if any means could possibly be taken to secure their resignations, it would be better to accept them. Their ideas are local; and their term of office being temporary, they will simply do what they can to please their constituents for the time being. I think the system is bad; how to remedy it I am not prepared to say, but as my hon. friend from Hochelaga says, the Government in their wisdom are supposed to know everything and able to do everything, and I think it would be much better if they would look after it and have the board constituted on a better system. They should appoint men who are likely to be kept there, not for one or two years, but for five or ten years, because works that are beginning to-day will not be finished in five or six years; the Government should see that they have the best men that can possibly be put upon that board. One of the members of the board stated to me on Saturday afternoon that is such an important matter that he feels almost afraid of the responsibility, because there are some of the members who do not know what they are doing or any more about the business than children.

Hon. Mr. BOWELL—Do you mean the appointees of the Government or the other commissioners?

Hon. Mr. OGILVIE—Both. I was simply speaking of some of the appointees of the Government who, from old age are not as well fitted now as they once were do that or any other business.

Hon. Mr. MASSON—Antiquated ideas.

Hon. Mr. OGILVIE—No, not antiquated ideas, they have not any ideas antiquated or otherwise. At least one of them ought to be superannuated at once.

Hon. Mr. POWER—The hon. gentleman appears to overlook the fact that these commissioners are appointed for four years, not for one.

Hon. Mr. BOWELL—The hon. gentleman is right so far as it applies to some of them. The importance of the harbour at Montreal is beyond a question, not only to the city of Montreal, but to the whole Dominion, particularly the western section and those who come from the east with vessels. How the appointments could be improved, or whether the Government should assume the full and whole responsibility of the management of that harbour, is a question that I am not aware has been considered, but it is a very important one. The hon. member who spoke first, if I understood him correctly, is desirous of having the whole of these appointments (if appointments are to be made) in the hands of the Government, and if they are not to be made, that then the harbours should be managed and controlled by some one of the departments of the Government. That would be a very important change in the law and it is very questionable whether it would give satisfaction. The remarks made by the hon. member from Alma in reference to the composition of the board may apply to both sections of it. Some members, he says, are "antiquated" and some have "no brains." If the antiquated ones and the brainless ones are the commissioners appointed by the Government, then the law gives the Government the power to remove them. If the hon. gentleman will look at the 8th clause, subsection 2, he will see that it is provided that six of the commissioners shall be appointed by the Governor in Council and shall hold office during pleasure, so that if there are any unfit for the position, either from old age or any other cause, it would be the duty of the Government, on these facts being presented, to remove them, but no such representation has been made. Then the 4th subsection provides that four commissioners shall be elected, one by the Montreal Board of Trade, one by

the Corn Exchange Association, one by the Chamber of Commerce for the District of Montreal and another by the shipping interest. One can scarcely conceive that a board composed of gentlemen who are members of the Board of Trade would select any person as a commissioner who was not qualified to act. Those men are too deeply interested in the proper management of the harbour to make appointments such as those described by the senator from Alma. The same remark would apply to the Corn Exchange and also to the Chamber of Commerce, and certainly the shipping interest. The gentlemen who are most deeply interested in the shipping of Montreal with whom I have come in contact are not such as are described by my hon. friend. It seems to me that those are four bodies quite capable of judging as to what is in the best interest, not only of the city of Montreal, but of the shipping interest and the management of it. My hon. friend shakes his head. He may be quite correct. I only take it for granted that bodies composed of such men ought at least to be capable of making proper appointments. My hon. friend will see by the 10th clause that the commissioners do not go out every year ; consequently they have an opportunity of learning their business. The provision is that they shall go out, after the organization of the board under this Act, one next August, the next in 1895, the third in 1896 and the fourth in 1897. The gentleman appointed by the Board of Trade next August would retain his position for four years, so that he would have full opportunity, if he is not of the character described, as brainless and antiquated, to learn this business. There is also in the 3rd subsection a provision for a re-election if deemed fit for it, of any commissioner who may have served six years. The suggestion raised by the hon. member from Hochelaga was a very important one, but I hope he will not press it at present. I will bring it under the notice of my colleagues before the third reading.

Hon. Mr. DESJARDINS—I do not want it to be understood that I wish to reflect in any way on any of the members of the commission. It was my duty to sit with them for one year, which was long enough for me to know the deficiencies of the commission as constituted. I do not mean that they are not qualified personally, but I refer to the special kind of interest they are there to represent. The influences that are brought to bear on the commission by the different bodies who are called to a seat around its board are such that the commissioners appointed by the Government are apt to overlook the fact that they are there themselves, not to represent merely local interests, but to represent the general interest of commerce so far as the harbour of Montreal is concerned. If the commission were constituted otherwise, it is more likely that instead of looking to special parts of the harbour or special interests which might be affected in some way even when the general interest of the country is at stake, they would take a broad view of every question brought before them. For instance, it is but natural if they find that those who have already access to the harbour are satisfied that they have enough berth and space in the harbour for their own traffic, they consider that everything is all right. They do not want any more space and they are not anxious to build up new trade in the harbour ; they have enough traffic for themselves, and they naturally object to attract competition, and it is quite to be expected thus they should look to any extension of the harbour as something which may disturb their own affairs ; and it is in that way that the business of the harbour of Montreal has outgrown very much the accommodation which this port can now offer. It is unwise for the Government, when we consider the millions of money which have been spent to establish a through line of transhipment from one end of the country to the other, when the most important point of their system is reached, to divest themselves of their responsibility and control and put it in the hands of men who may not be able to consider the business interests of the country. The building up of the harbour of Montreal must be considered when we have to fight to keep within our own borders the great highway of traffic. We know very well that the harbour of Montreal is not sufficient, that it is powerless to cope with the requirements of the trade, that it is powerless to cope with the requirements of the trade, and the increase of commerce which has been obtained by the building of our great systems of railways. We have been subsidizing lines whose traffic we cannot control. We see the largest part of it going to another port, and why? Be-

cause the Montreal harbour is not equal to the requirements of a rapidly growing trade. And why is it not sufficient? Because the Montreal Harbour Commissioners as constituted now, have been looking more to the local interests of Montreal than to the interests of the great national traffic. In that way I think it is very important for the Government to consider whether it is not time to look at the whole organization.

The clause was adopted.

On clause 16,

Hon. Mr. POWER said: This clause, too, requires amendment. I think to allow a number of gentlemen to fix their own salaries is unwise. There should be some limitation of the powers of the commissioners in this respect.

Hon. Mr. OGILVIE—I think they can be safely trusted to exercise all this power. Most of the members of the board spend from half an hour to four hours at a meeting, to my certain knowledge, and for this they are paid the magnificent sum of $5, when the majority of them, if they were not influenced by public spirit, would not give their time for ten times as much. They are only paid for the meetings which they attend, and that has been the case only since the time of the Mackenzie Government. Before that they never received any remuneration.

Hon. Mr. DESJARDINS—I understand that this subsection has been inserted because there was no authority for giving any compensation for their attendance. I know that they have never received more than $5 per meeting, and then only when they were present.

Hon. Mr. POWER—The remarks of the hon. gentlemen from Alma and de Lorimier do not bear upon my objection. I do not know what the commissioners have been paid, and I do not know that they had been paid anything, or what would be a reasonable sum; but this is the first time in my experience that employees have been allowed to fix their own salaries, and there should be some limitation to that power—the salaries which they decide upon should be subject to the approval of the Governor in Council; or there should be a limit fixed beyond which they could not go. I do not see why the other members of the board should not be paid in the same way as the chairman, with a deduction for every meeting which they do not attend.

Hon. Mr. SMITH—Have they not the right to govern the expenditure in other ways? If they have, and have proved themselves capable, I think it should be left to them to fix the amount of their own remuneration. It looks bad to name an amount.

Hon. Mr. POWER—I am not objecting to the amount at all, I am simply objecting to the principle of allowing any body of officials to fix their pay without limitation or restriction; and I should suggest that the Minister let the clause stand and take the matter into consideration.

Hon. Mr. LOWELL—In the past there has been no express provision giving power to the board to pay themselves any fees, and it was thought that there should be a provision in order to prevent any dispute in future upon this point. If they have been managing these matters for some fourteen years and receiving the magnificent remuneration of $5 per meeting for their services. I think the gentlemen who compose this board might be allowed to exercise the discretion given by this clause. If they indulge in extravagance, or attempt any abuse of their powers, then the suggestion of the hon. gentleman may be acted upon. As a rule, where officers are appointed by the Government a salary is fixed, but these commissioners stand in a different position from officers, in the general acceptation of that term. My hon. friend from de Lorimier, who was mayor of Montreal, knows whether this clause is likely to prove detrimental to the interests of the harbour.

Hon. Mr. POWER—I should suggest, with a view to meeting the difficulty, that we add to this subsection the following words: "Approved by the Governor in Council." There should be some check.

Hon. Mr. OGILVIE—It would be very much better to leave the clause as it stands, because the members of the harbour commission have heretofore been exceedingly careful and economical. I do not think the majority of them would feel very much pleased to have this clause amended

as suggested. They would be likely to say "you can keep the five dollars, we do not want it." As the leader of the House has suggested, if any extravagance should occur —of which I may say there is not the slightest danger—it will be time enough to adopt some such protection as the hon. gentleman has advocated.

Hon. Mr. DESJARDINS—It will be quite easy to discover if they abuse their power, because their report is published annually.

Hon. Mr. POWER—I think it is establishing a bad precedent. It is not too much to ask that the by-law should be approved by the Governor in Council.

Hon. Mr. DICKEY—I think it would be better to keep the Governor in Council out of it. By referring too much to the Governor in Council it may be used as a precedent hereafter for throwing the whole thing on the country.

The clause was adopted.

On clause 18,

Hon. Mr. POWER—This clause provides that the corporation may appoint a harbour-master, &c., in the port of Montreal. The next clause provides that the Board of Harbour Commissioners shall be the pilotage authority for the city of Montreal. There is another officer who, I think, should come under the jurisdiction and power of the Harbour Commissioners—that is the shipping officer of Montreal. A good deal of feeling has been excited during these few days by the Government appointment of a gentleman, who, I have no doubt, was a very worthy gentleman, but who had had no experience of shipping, and against whose appointment a unanimous protest has come from the Board of Trade of the city of Montreal. Inasmuch as you hand over the appointment of the harbour-master and subordinate officers of the harbour and of the pilots, and men coming under the Pilotage Act, to the Harbour Commissioners, the appointment of shipping officers should be handed over also. It would come just as properly under the jurisdiction of the commission as that of those other officers.

Hon. Mr. BOWELL—The hon. gentleman is slightly in error. In the first place the protest of the Board of Trade was not unanimous—some members did not take the extreme view that others did. The 18th clause is changed to give power to the Commissioners which was exercised under the old law by the secretary and the harbour-master. That is a change which not only meets the views of the Government, but also the views of the Harbour Commissioners. There is no extra power given to the commissioners, so far as pilotage authority is concerned—it simply enables them to appoint three commissioners to act as a pilotage authority. The commissioners pursued this course, but the courts decided that they could not act in either capacity as Harbour Commissioners except as a whole commission; and this enables the board to appoint three commissioners to act in that particular capacity without sitting as a whole board.

Hon. Mr. OGILVIE—It is far better done.

Hon. Mr. BOWELL—It is far better done—in fact it makes the commission workable, which was not the case under the old system. I scarcely think that we can accede to the request of the hon. gentleman from Halifax to put the appointment of the other officer in the hands of the Harbour Commissioners.

Hon. Mr. POWER—What does the hon. gentleman from Alma Division say about that proposition?

Hon. Mr. OGILVIE—He has nothing at all to say about it.

Hon. Mr. DESJARDINS—The only objection I have to the composition of the Harbour Commissioners is that these bodies are sometimes inclined to look to the merely local interests rather than to the general interest, which the Government is in a better position to judge of.

Hon. Mr. POWER—I suppose the appointment of a gentleman who has some experience and knowledge of shipping is to be looked upon as regarding the thing from a local and sectional standpoint?

Hon. Mr. DESJARDINS—It was not so regarded in the appointment of his pre-

decessor—he was taken from the outside altogether, and perhaps it was better, because he was independent of any interest which he was required to arbitrate upon.

The clause was adopted.

On clause 25,

Hon. Mr. DEBOUCHERVILLE—Does the provincial law at all interfere with the working of the commissioners? If so, and if the law is constitutional we cannot override it.

Hon. Mr. MILLER—In a matter of trade and commerce the Dominion would be paramount.

Hon. Mr. OGILVIE—I do not think we are disturbing the law at all—it is simply to prevent them getting into trouble.

Hon. Mr. BOWELL—I find that this clause is exactly the same as the old law, 24 Victoria, chapter 68, section 6. My impression is that this clause was placed in the Act of 1861 and has been so amended as to prevent any Acts of the old province of Canada interfering with the management of trade and navigation, which are by the Confederation Act exclusively vested in the Dominion Parliament. This is the only extent to which this clause can possibly go. If there are local rights, then this legislation cannot take them away, because it would be *ultra vires.*

Hon. Mr. MILLER—The meaning of the clause in question is this—that where a local act, or any by-law passed under a local act comes in conflict with the paramount authority of this Parliament, then such by-law must give way. This bill relates to trade and commerce, one of the subjects exclusively given to the Federal Parliament, and of course where an enactment made under that authority conflicts with the local legislation, the latter must give way.

Hon. Mr. DEBOUCHERVILLE—That applies, so far as it affects laws made before Confederation; but this clause applies also to laws made by the Quebec Legislature. If the Quebec statutes are constitutional, we have no right to declare that they are unconstitutional. A case in point comes to my mind now: between the Island of Montreal and the south shore of the St. Lawrence the municipality possesses certain ferry rights and these rights are declared to belong to the Local Government and not to the Commission. What I object to is this—to declaring that certain Acts of the Quebec Legislature shall be set aside. If they are constitutional we have no right to do that; if they are not constitutional, this law of course will prevail without naming the local legislature directly.

Hon. Mr. VIDAL—The clause applies only in so far as they attempt to restrict the Harbour Commissioners.

Hon. Mr. POWER—The point which the hon. gentleman wishes to make is that possibly they might exceed their powers; but if they go beyond the jurisdiction of this Parliament, their action is null and unconstitutional.

Hon. Mr. DEBOUCHERVILLE—The hon. gentleman does not correctly apprehend what I say. My point is that under the clause we declare that the laws of the province of Quebec shall be set aside.

Hon. Mr. VIDAL—Only in so far as they relate to the harbour.

Hon. Mr. DEBOUCHERVILLE—It does not rest with us to do that.

Hon. Mr. POWER—Nothing that we can say here can interfere with the jurisdiction of the Local Legislature. The language of this bill is restricted to the jurisdiction and constitutional power of the Parliament of Canada. If the laws of the province of Quebec are *ultra vires*, they have to be set aside.

The clause was adopted.

On clause 26,

Hon. Mr. BOWELL.—This clause embodies the powers of the old Trinity House and the Harbour Commissioners, simply reviving them, and in subsection *b* there is a verbal change to make it read better, and subsection *c* deals with the restriction of the use of the channel in whole or in part. It gives the power over the whole channel instead of certain portions of it. The only change in subsection *e* from the old law is the giving of the power to the commissioners to prohibit the depositing of ballast in certain parts of the river; and subsection *f* limits the control of preventive measures, which under the old Act the commissioners had full control of. In

subsection *i* the word "explosive" is substituted for the word "powder." When the old Act was passed explosives were confined almost exclusively to powder ; now you have dynamite, nitro-glycerine and a number of others. Subsection *n* I should like to drop. That refers to the control and management of tow-boats. The general legislation of the Dominion applies to the management of tow-boats : and the Steamboat Inspection Act and the Safety of Ships Act cover this. The Minister of Marine informs me that it is not necessary and is merely duplicating power. I therefore move that it be struck out.

Hon. Mr. POWER—Does not the Minister think it is desirable that this corporation should have the control and management of tow-boats ?

Hon. Mr. BOWELL—The Minister of Marine and Fisheries says the general law provides for it and also for subsection *s*, which reads : " The maintenance of order and regularity and the prevention of theft, &c." That also is provided for in the Criminal Code, which code provides for all these offences.

Hon. Mr. SCOTT—The prevention of theft and depredations would be, but not the other.

Hon. Mr. BOWELL—I think we might keep that provision in the bill.

Hon. Mr. POWER—The criminal law interferes when a theft has been committed, but it is the duty of the commissioners to make regulations to prevent the theft.

Hon. Mr. BOWELL—You could not make regulations to prevent a man stealing.

Hon. Mr. POWER—But such regulations can be made as would render it difficult to perpetrate a theft.

Hon. Mr. BOWELL—Then we might leave the whole clause in. Subsection *s*, for regulating the procedure of the corporation, merely contains the statutory provisions, and the procedure is repealed and the Criminal Code adopted, as you will see by section 44. Subsection *u* is for the introduction of new and uniform rules as to penalties. The reason for that is that the Trinity House had the power of imposing penalties to the extent of $80. The Harbour Commissioners' law only gave them power to the extent of $40, and this makes the one penalty $40.

Hon. Mr. POWER—As to the matters upon which the commissioners may make by-laws, I should submit to the Minister that it would be the right thing to insert here the power to make by-laws with respect to the remuneration of the commissioners. That is one of the things which they have to do. After " *v* " insert " and fix the remuneration to be paid for their services to the commissioners other than the president of the corporation."

Hon. Mr. BOWELL—That is provided for in the section to which my hon. friend objected a short time ago.

Hon. Mr. POWER—This clause we are dealing with sets out the various matters upon which the corporation may make by-laws, and we decided in clause 16 that they should be paid what they fixed by by-law and now I shall simply wish to insert in the list of matters on which they may make by-laws this matter of fixing the remuneration to be paid for their services to the commissioners other than the president of the corporation.

Hon. Mr. ANGERS—It is only repeating it.

Hon. Mr. POWER—It would come in after line 11 on page 10. The corporation have power to do such and such things by by-law and the power of fixing their remuneration should be included.

Hon. Mr. BOWELL—It seems to me the suggestion made by the hon. gentleman would simply be a duplication of powers. You have asked to place as subsection *w* the power to enable them to pass a by-law to pay themselves. Well now, subsection 2 of section 16 states what they can do. The commissioners may be paid such remuneration for their services as the corporation may determine by by-law. That gives them the power to pass a by-law to pay themselves, whether by the year or by the day or by the meeting. Some hon. senators were not in the chamber when we discussed this matter before. The commissioners have been in the habit of

paying themselves $5 a meeting. There was no statutory power for that, and this provision is to place it beyond a question.

Hon. Mr. KAULBACH—And the Governor in Council must confirm what is done by by-law.

The clause as amended was adopted.

On clause 35,

Hon. Mr. BOWELL—There is no extra borrowing power given in this clause. In the 4th subsection the words: "By the tenor of the bond or debenture" have been added.

Hon. Mr. DESJARDINS—Is the amount of one million dollars available now?

Hon. Mr. BOWELL—Yes, they have not exhausted their borrowing powers. This is simply a re-enactment.

Hon. Mr. POWER—It is barely possible some question might arise under subsection 3. The hon. gentleman from DeLorimier who has been a member of the board would know whether any difficulty would arise or not. Supposing the corporation was allowed to borrow a large sum, and in error borrowed in excess of that amount, it might be held that the power was taken away as to the whole amount and not merely as to the excess over the amount which they had the right to borrow. If they were authorized to borrow a million dollars and borrowed a million dollars and $50,000, apparently, under the wording of this clause, the borrowing of the million would have been *ultra vires*.

Hon. Mr. BOWELL—I do not think the clause can bear that construction. This gives the power to borrow a sufficient sum of money to redeem debentures that may be falling due, but in no case must they exceed that amount; that is, if a million dollars of bonds are falling due bearing 5 per cent, they could borrow on new debentures a million dollars at 4 per cent if they liked; but they could not borrow under that clause more than a million dollars; if they did they would exceed their power.

Hon. Mr. POWER—I am quite aware of that, but supposing they had the power to borrow a million and really borrowed a million and $50,000, my contention is that under the wording of this sub-clause it might be held that the whole loan would be void.

Hon. Mr. OGILVIE—I think the only trouble is that those parties who loaned them the extra $50,000 might be in trouble.

Hon. Mr. DESJARDINS—Supposing a million dollars borrowed had been exhausted and the bonds were becoming due—I think sub-clause 3 is to provide that they cannot exceed the amount which is falling due.

Hon. Mr. BOWELL—Yes, but it does not confine them to any one issue of debentures. You might have a million dollars coming due next month and you could borrow and renew the loan. If you had another million dollars next month, you could go through the same operation, but in no case could you exceed the amounts to cover the debentures. The hon. gentleman asked, supposing they went beyond that, what would be the result? Well, if they did, they would go beyond their powers and they would be subject to penalties provided under the circumstances.

The clause was carried.

On clause 36,

Hon. Mr. POWER—I should like to call the attention of the Minister to the very long and probably expensive provisions contained in sub-clause 4:

> When any such thing so found had not been claimed the secretary of the corporation shall advertise during four weeks in English and in French, in two or more newspapers published at Montreal.

Unless the thing is pretty valuable the advertisement will cost about as much as the property is worth.

Hon. Mr. BOWELL—It is a question whether this whole clause should be continued in the bill. The whole thing is provided for by the Wrecking and Salvage Act. The Minister of Marine informs me that it is unnecessary, as it is fully provided for by the law now upon the Statute-book, but I do not see myself any particular harm it can cause. It only re-enacts what really exists now, and which would be an indication to the Harbour Commissioners what their authority and power was in dealing with salvage goods or wrecks. We might drop

it for the reason which I have given, that it has already been provided for.

Hon. Mr. POWER—We actually undertake to define by this clause how it should be advertised. It shall be advertised during four weeks in English and French in two or more papers published in Montreal.

Hon. Mr. DESJARDINS—They do not go to auction every day. They advertise at a certain time in the year. If some articles are found, they wait until they have sufficient to warrant them in calling an auction, and at a certain date every year they advertise.

Hon. Mr. BOWELL—I think the hon. gentleman's objection is this: he does not object to publication but to advertising during four weeks. That might mean to publish it in two newspapers every day for four weeks; but it might also be in one newspaper once a week for four weeks. The advertisement would extend over the four weeks just the same. That is a matter which I think should be dealt with by the Harbour Commissioners. It might be once a week for a month, but you must give the four weeks' notice before the sale takes place.

The clause was adopted.

On clause 41,

Hon. Mr. BOWELL—The only change is in subsection *b;* it reads, "any magistrate having the power of two justices." The old Act provided for any magistrate of Quebec, Three Rivers or Montreal.

Hon. Mr. POWER—It is improved considerably.

The clause was adopted.

On clause 47,

Hon. Mr. DEBOUCHERVILLE—This is the clause which exempts the officers and members of the corporation from serving on juries or inquests. There is a doubt if we have the right to enact this clause.

Hon. Mr. LOUGHEED—With regard to criminal matters the Government would have the right.

Hon. Mr. DICKEY.—It would be well for the leader of the House to consider this question. It is a matter of some importance, because it might lead to a conflict of laws, and that is unnecessary. It is saying nothing in favour of the enactment to mention that it has been already enacted, because it is quite within my own knowledge that a great many enactments have taken place which are palpably *ultra vires.* I think the question should be considered before the bill goes to the third reading.

Hon. Mr. BOWELL.—I will reserve the clause until I make inquiries at the department.

Hon. Mr. VIDAL, from the committee, reported that they had made some progress with the bill and asked leave to sit again to-morrow.

## THE DILLON DIVORCE CASE.

### REPORTS PRESENTED.

Hon. Mr. GOWAN, from the Committee on Divorce, presented their report on bill (T) "An Act for the relief of James St. George Dillon," and moved that the same be taken into consideration on Thursday next.

The motion was agreed to.

Hon. Mr. KAULBACH, from the same committee, presented a minority report, and moved that the same be taken into consideration on Thursday next.

The motion was agreed to.

Hon. Mr. GOWAN—I think it would be proper that the report of the minutes should be before the House, as well as the *ex parte* statement which has just been submitted.

Hon. Mr. KAULBACH—I certainly should not raise any objection to the whole of the minutes going in, as well as the pronunciamento of my hon. friend who seems to have influenced the committee.

Hon. Mr. GOWAN—I move that the Clerk of the Committee furnish the full minutes of the proceedings before the committee, so that the whole matter may be in the possession of the House.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (32) "An Act respecting the Niagara Grand Island Bridge Company."—(Mr. Ferguson.)

Bill (33) "An Act respecting the River St. Clair Railway Bridge and Tunnel Co." —(Mr. Ferguson.)

Bill (43) "An Act to amend the Act respecting the Ladies of the Sacred Heart of Jesus."—(Mr. Robitaille.)

The Senate adjourned at 5.20 p.m.

---

## THE SENATE.

*Ottawa, Tuesday, 8th May, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (25) "An Act respecting the Canada and Michigan Tunnel Co."—(Mr. MacInnes, Burlington.)

Bill (30) "An Act respecting the Atlantic and North-west Railway Co."—(Mr. MacInnes, Burlington.)

Bill (34) "An Act respecting the Bell Telephone Co."—(Mr. McMillan.)

## MANITOBA AND NORTH-WESTERN RAILWAY CO.'S BILL.

THIRD READING.

Hon. Mr. LOUGHEED moved the third reading of Bill (X) "An Act respecting the Manitoba and North-western Railway Company of Canada."

Hon. Mr. BOULTON—I gave the following notice:

That when the Order of the Day is called for the third reading of the Bill (X) "An Act respecting the Manitoba and North-western Railway Company of Canada," I will move that the said bill be not now read a third time, but that it be amended by striking out the words "not exceeding," in the fifteenth line, and inserting in lieu thereof the words "not less than."

The bill before us is for an extension of the company's charter, because the time has lapsed according to previous legislation which would entitle it to continue. It is now asked that the work authorized by this extension shall be completed within ten years from the passing of this bill. What is asked for by this company is that it shall have power to extend the time for the completion of the road to Prince Albert, the terminus fixed by the charter, for ten years, and that it shall not be compelled to build a greater mileage than 20 miles in any one year commencing in 1896, and that they shall not be compelled to build that 20 miles except with the approval of the Government. It might happen under this clause that half a mile in each year would protect their charter. The object of my amendment is, not so much to interfere with the legislation that the company is asking for, as to bring certain facts and figures in connection with this enterprise, before this House. I regret to say, as I live on that line, some one hundred and eighty miles from the Canadian Pacific Railway, that it is one of the railways in our country which has passed into legal difficulties and is now in the hands of a receiver. The railway company issued bonds upon 180 miles of its road, which bonds were sold in the English market, and the interest has not been paid by the company, and the bondholders had a right to foreclose in June last. Before the bondholders could claim their right to foreclose, the principal stockholders of the company who were also creditors for a certain portion of the bonds west of the 180 miles that were covered by the English bondholders, applied for the appointment of a receiver as a creditor of the 42 miles of road in order that the road might be continued as a single line under the supervision of the courts. That is the position in which the railway company is at the present moment. When a railway like that gets into difficulties, it is a matter of great importance to us, who reside in the interior of the country and are so dependent on railway communication, to understand how it is that a railway company that has been subsidized so largely should become discredited and pass into the hands of a receiver. The reason of it is that the railway aid that has hitherto been given by the Government has proved a wasteful system for providing railway communication and cheapening rates and maintaining the credit of a line such as this. The Manitoba and North-western Railway

is projected on the route that the Government originally selected for the Canadian Pacific Railway through what is called the fertile belt, a very rich portion of the country, but its progress and development has been retarded in consequence of the deflection of the Canadian Pacific Railway to the south. A few years after the Canadian Pacific Railway was commenced, this line was projected. Messrs. Allan, who are the owners of the road behind the bondholders, complained that they have been very large losers in their operations connected with the road. The Railway Committee heard the statement of the solicitor that between one and two millions of dollars were the losses sustained by the Messrs. Allan in addition to the securities placed on the road. I should like to read the public reports in order to show the position the railway is placed in, so far as the information is conveyed to us in the public documents. We have here a summarized statement of the capital with regard to all the railways in Canada in 1893. I see that the Manitoba and North-western Railway Company is 234½ miles long, with an authorized ordinary share capital of $12,000,000. The paid up capital is $5,837,500; the authorized preference share capital is $465,000 paid up; the subscribed bonded debt is $3,241,000; the Provincial Government aid by the province of Manitoba amounts to $650,294.27; the municipal aid given by the various municipalities along the line was $215,600; the total paid up capital, that is including the subscribed shares paid up and all the amounts that I have mentioned, amounts to $10,359,594. and the total subscribed capital to $16,522,000. The floating debt is $1,335,866 and the total cost of the railway and the rolling stock is $3,605,024.74. That is the public return as to the cost of the construction of the railway, the issue of bonds, the public aid which has been given to it, and everything in connection with the road. In addition to that, there was a land grant given to it of 6,400 acres per mile from Portage la Prairie to the town of Prince Albert, of which 234½ miles have been earned, and of the land grant that has passed into the hands of the railway company, there has been sold 584,000 acres, realizing $954,000 in addition to the amounts I have already read over to you. It is possible that this $954,000 has not been realized in money. Perhaps payments have been postponed in order to accommodate the purchasers of those lands. However, it is an asset of the company amounting to $954,000. Now we can see that the total amount received by the company, including the floating debt of $1,335,866, is $6,400,000. That is the cash that has been received by the railway company for the construction of 234½ miles of road, including the floating debt of $1,335,000 for which I presume value has been given in construction or services in some way or other, and that as against that $6,400,000 of money, received by the company, the cost of the road as stated in the public returns, was $3,500,000 or a total of $16,000 per mile for the 234½ miles of road that have been constructed. There seems to me a very great discrepancy between the cost of the road as returned to us, and the money shown by these returns to have gone into the treasury of the railway company, and therefore, looking at it as it is presented to us, it seems to be impossible that any loss could have been incurred by the promoters of the road—that the road has had securities and sold securities to more than cover the cost of construction of the railway and to pay the interest and indebtedness of every kind in connection with the enterprise. If that has been the case it seems hard that the country should be retarded in its development by a road that is virtually in the hands of the liquidator and the court at the present moment. It cannot be an effective instrument for the development of the country in which I reside. In consequence of the statement that I partially made at the Railway Committee the other day when the solicitor of the company was present, he has written me a letter which I received this morning. He wrote it seeing that I had given notice of an amendment. This letter bears on these figures that I have already mentioned and is as follows :—

TORONTO, 7th May, 1894.

The Honourable Senator Boulton,
Parliament Buildings, Ottawa.

DEAR SENATOR BOULTON,—I understand that you have given notice of intention to move an amendment to the Manitoba and North-western Bill when it comes up for its third reading tomorrow, and in view of what you said with reference to the bond issue of the company, I would like to correct the opinion you expressed which I will show you is entirely without foundation in fact. The bonds and debenture stock issued in

respect of the railway is shown by the following statement :—

| | | |
|---|---|---|
| First division bonds..... | £540,000 = | $2,628,000 |
| Shell River Branch Bonds.... | 34,500 = | 167,900 |
| Saskatchewan and Western Branch bonds... ..... | 37,200 = | 181,400 |
| Debenture stock..... | 126,000 = | 613,200 |
| Total..... | £737,700 = | $3,591,300 |

As a matter of fact the only bonds which have been sold are those issued in respect of the first division £540,000. The Shell River Branch bonds, £34,500, have never been sold, nor have the bonds issued in respect of the Saskatchewan and Western Branch, £37,200, nor has the debenture stock issued in respect of construction of the 42 miles between Langenburg and Yorkton, £126,000. These three classes of securities have been deposited as security for advances obtained by the Messrs. Allan which were expended in construction of the line. The following is a statement showing what bonds were issued in respect of the first 180 miles, and how the proceeds of these bonds were applied :—

| | |
|---|---|
| First mortgage bonds, £540,000 ..... | $2,628,000 00 |
| In addition to that the company received the profits of provincial debentures earned for construction of that portion of the main line between Minnedosa and the boundary of the province, 90 miles, and in respect of the Shell River Branch and Saskatchewan and Western Branch..... | 789,408 40 |
| In addition the company received small balances in respect of a previous issue of bonds which were retired by the above issue of £540,000. | 4,442 04 |
| | $3,421,850 44 |

This amount applied as follows :—

| | | |
|---|---|---|
| Discounts and expenses of issuing and floating bonds, commission and interest ..... | $ 694,081 64 | |
| Expenses in construction and equipment.. | 1,894,334 62 | |
| Payments on account of interest due on bonds and loans..... | 411,778 80 | |
| Land department expenses. ..... | 16.000 00 | |
| Subscriptions for stock in Commercial Colonization Society... ... | 89,401 69 | |
| Bonds transferred to old bondholders £67,000.. | 326,066 67 | |
| Balance..... | 187 00 | |
| | | $ 3,421,850 42 |

The above statement may be taken as absolutely authentic and an offer to verify it was made to the Government, but it was not thought necessary in view of the assurances given of its correctness, The item of discount and expenses of issuing and floating bonds, commission and interest seems enormous, but it is to be explained by the fact that at the time these bonds were issued, a portion of the provincial debenture issue was sold at 80, another portion at 95, and that two sums of commissions paid English brokers on sales of two lots of first mortgage bonds were respectively $222,382.31 and $87,490.50.

The net amount left after paying expenses of the issues and applying $16,000 towards developing the company's lands, and after investing $89,400 in the effort to establish a commercial colonization society was $1,894,334, about $10,000 a mile. This did not begin to pay the cost of construction, equipment and expenses in connection with the acquirement of terminal facilities.

As I say above, this statement may be taken as absolutely authentic. I have verified it myself, and can, if required, give the items showing how each one of the above mentioned sums is made up.

Yours truly,

WALTER BARWICK.

Mr. Barwick has left out of this calculation two items—one of $984,000 realized from the sale of a portion of the land grant, and $215,000 municipal aid which would swell the amount to upwards of $1,000,000. The discounts and expenses of issuing and floating bonds, commissions and interest, $614,000 on 230 miles of road, as shown in this statement seem to be excessive. This amount, of course, forms a portion of the capital expenditure and the interest upon it must be borne by the traffic of the country. An ther large item is $411,000 payable for interest due on bonds and loans, overdue interest—I do not know exactly what that is, because in the published statement there is also an item of $1,335,866 floating debt, a portion of which I presume is overdue interest ; but here we have $1,100,000 for discount on the floating of the bonds and interest and one thing or another all of which adds unduly to the cost of the 234 miles of road, and it is for the purpose of pointing out the disabilities under which we labour in providing that railway communication which is so absolutely essential to the development of the country and to the necessities and comfort of the settlers, that we have to pay interest on almost 50 per cent of the capital expended in the construction of railroads for the development of that country in discounts and interest, and that the land grant that has been given to aid in the development of the railway, is also to a great extent wasted. So far as the Manitoba and North-western Railway Company are concerned, they cannot hold their lands for the development of the country as an asset of such value that it will accomplish a great deal more than it has accomplished in the construction of the railroad up to the present moment. What I mean by that is, that the railway lands are subject to taxation, and when some two

or three millions of acres of land are liable to taxation, it is almost impossible for a private corporation to hold that land until it becomes of certain value to enable it to realize its full value, after the railway has developed the country. The value of lands through which this railway is passing—that is to say the intrinsic value of them so far as far as their productive power is concerned—is equal to $5 per acre. The man who pays $5 per acre for his land within eight miles of the railway is as well off, in raising produce, as the original homesteader who went in and got his land for nothing, because he finds everything ready at his hand to make the very best of the produce that he raises on his farm. What I desire to point out is that if that wasteful method is proved to exist, cannot the Government come to the aid of the North-west? Because it is evident to the commonest observer of the condition of our country at the present moment that the North-west Territories have failed to come up to our expectation, both financially and commercially, and every way after nearly 25 years of development—that the depression which exists there is such that the Canadian Pacific Railway Company has of late discharged some 2,000 hands in consequence of the decrease of traffic which decrease the company claims mainly comes from the North-west Territories. The reason of that I explained to hon. gentlemen the other day—that we were labouring under such difficulties in consequence of protection and high freight rates that it was impossible to pursue agriculture as an occupation up there with any degree of profit, and that, in consequence, the production was decreasing instead of increasing and the railway that was built in order to carry the produce of that country has been obliged to discharge a certain number of its hands. That reacts on the whole country, and, therefore, the question that interests the country at large is, what is going to develop and fill up that western country of ours? Whatever fills up the North-west Territories will add to the prosperity of the whole of Canada to the east and to the west where we find our markets as they prove most profitable to us. It is not, therefore, a mere question for the few settlers who are developing that country, but a question of interest to the whole Dominion, because if there are half a million of producers or a million of producers in that country who can produce profitably, it is going to benefit all the channels of communication and all the commercial centres that assist in supplying us with the necessaries of life, and which must, under any circumstances, continue to do so in consequence of the facilities which they possess through their nearness to that country. The Dominion Government holds the lands of the North-west Territories and of the province of Manitoba. We are not in the same position as the provinces in the east and west. We have no assets. We have no mines, no timber, no lands—nothing at all to fall back upon to assist ourselves, and therefore, we have to depend upon the assistance that can be obtained from the Central Government. Now, is it not in the interest of the Government and the people of Canada to assist in the development of that country by a more economical method than that which has been shown in the correspondence and the facts and figures which I have submitted? Is it not possible for the Dominion Government to assist us to get over that great disability under which we labour, by which one million five hundred thousand dollars out of a total expenditure of three million five hundred thousand dollars, has to go to pay discounts and commissions? The traffic of the country has to bear excessive rates in order to meet these heavy demands for capital and for interest. The interest upon these bonds is six per cent, and that burden is double what it might be. With regard to the bill before the House, it calls for a postponement for ten years of the conditions upon which the Manitoba and North-western Railway was to be pushed forward to develop that North-west country, in its fertile belt. There is another alteration under which they may not be required to build more than half a mile a year, if the Dominion Government see that there are certain difficulties in the way which would prevent it and thus deprive the company of its charter if it was held to the agreement to build more than half a mile a year. The company had a land grant of 6,400 acres a mile to Prince Albert. The extension of this bill may lock up this valuable asset. I do not know whether it really does or not—whether the Government still have it in their power to dictate terms in relation to their land grants, or whether the railway company holds the land grant with

the extension of the charter. That, I am not in a position to say, but what I do say is, that if it does lock it up, it is locking it up to the detriment of the country—postponing the development of that particular part of the country virtually for ten years. It is advisable that the Government should alter the aid in such a way that it may be made not more wasteful, but that it may be made more economical and effective for the construction of the railroad and the development of the country after the railroad is constructed. When I say made more wasteful, I do not agree with the policy that we have pursued in two or three instances, and that is supplementing the land grant with $80,000 a year subsidy. I say that is a wasteful method. It does not assist the settlement of the country or the promotion of railroads as it should—it is only increasing the assets in the hands of the promotors and giving a larger margin for the abstraction of discounts and cost of floating the company without any commensurate advantage to the settlement of the country and facilities of transportation after the railroad is built. A more economical method, without imposing any greater tax upon the country, would be for the Government to take the land grant back from this railway company and other railway companies in that country, and set it aside as a trust in the same way that they have done with the school lands and fix an upset price at say $5 an acre and then guarantee the bonds of the railway at 3 per cent interest, taking also a lien on the road in case, through bad management or any other cause, the company fail to meet the interest on the bonds. In that way the Government would be perfectly secured; they would have the railway, the land grant, and the subsidy of $80,000 a year which has been given in two or three cases, which $80,000 a year is sufficient to pay the whole 3 per cent interest for 17 or 18 years, at least, of the time. In that way the traffic of the country would not be burdened with a greater charge on it than 3 per cent interest. The company could go into the money market with security and independence in the floating of those bonds. They would not be obliged to meet stock brokers in the money market and be told "this is a speculative property, and although the interest is 6 per cent a year yet we have to charge you enormous discounts in order to take the chances and run the risks we incur in accepting securities of that kind." The country would be relieved of that. There would be less money going out of the country to meet and pay those dividends, and the profits of the farmer would be distributed by the farmers themselves to the great advantage of every commercial interest of the country, In consequence of the land grant being still the property of the public, accumulating in in value for public advantage, no taxation is imposed, but when it is transferred to a private corporation taxation accumulates, and while the people do not object to public lands being exempt so long as they are held for the public benefit, they object to property held for private advantage being exempt, their labour and industry is giving value to the vacant lands, and the private interests in the vacant lands should bear with them the burden of taxation, in that way the lands are a much more valuable asset in the hands of the Government, than in the hands of a corporation. A land grant properly husbanded might then be utilized by the Government for the promotion of four and five times the milage as roads become self-supporting. With regard to the road in question, many hon. gentlemen will remember that when a similar bill was before this House two or three years ago and the same proposition was presented for an extension of time—because an indefinite period was being fixed for the construction of this railroad, to meet the opposition that was then raised to this indefinite extension the then Premier, Sir John Abbott, suggested that if the company were absolved that year from any construction they should be compelled to build forty miles the following year—settlements that had been placed there at the instigation of the Government and immigration promoted by that Government. Here are the words of the late Sir John Abbott at that time:

> I think it is a question whether we ought not to do something or other to give encouragement to these settlers and others who may be expected to go to that part of the country, and I would ask the gentlemen who compose the Railway Committee whether it might not make a good point in favour of this immigration and show our desire to do justice to these people if they were to say that in consideration of our abstaining from enforcing the twenty miles condition this year, they should be required to build forty miles next year. Forty miles is nothing to a railway company if they can get the necessary capital, and without it twenty miles is more than they can undertake. I think if they are granted this delay they should build forty miles next year. It has been represented to me,

and I think with some force, that for this autumn coming the loss and inconvenience to these settlers will not be very great, because they have just settled there, and will not have much to export—they will need all they produce for their own consumption—but next year they should have a good deal to export, and it would be well to encourage them to expect some proper accommodation when that time arrives. I therefore would commend to the consideration of the members of the Railway Committee the advisability of requiring the company to build forty miles next year if they are not required to build any this year.

That is tantamount to a pledge from the Dominion Government in 1892 that steps would be taken to enforce the condition upon the company that 40 miles would be completed in order to meet the demands and necessities of the settlers who had gone in 40, 50 and 60 miles ahead of railway communication, and I think that when a bill like this is before the House it is only proper for me a resident in that district, to whom the settlers look for assistance in protecting their interests, that I should urge upon the Government to take this matter into their serious consideration, and while I do not move this amendment with any view to obstructing the legislation sought for I desire to put the responsibility on the Government, that they should make the aid of such a character that the railway company will be enabled to push their line forward and that the aid shall be given in such a manner that the most economical methods can be applied to the construction of the railroad, and all railroads that are required in that country.

It is taking a new departure, but it is a departure well worthy the consideration of the Government. As I have already stated repeatedly here, we are not like the people who live on the Pacific or Atlantic coasts, or on those magnificent water ways which penetrate the interior of the country as far as Port Arthur; we are living a thousand or fifteen hundred and two thousand miles from water communication, and these railways are absolutely necessary for the development, of the country, and the economical construction of our roads is essential to the properity of the people themselves. I, therefore, move the amendment of which I have given notice. At the present moment the road is in litigation. If the road is to be continued in litigation (and we know how indefinite litigation is in regard to such large matters) it will remain unfinished to the detriment of those settlers who went in there believing that that was to be the line of the Canadian Pacific Railway, and it is going to be detriment not to them, but to the whole of the North-west in retarding the development of that great country, in consequence of the destruction of our credit for similar enterprises through no fault of the country.

Hon. Mr. KAULBACH—There is one other point that my hon. friend did not make. He spoke of the detriment to that country through this delay, but he did not say that the credit of the country is imperilled also. Capitalists have invested a good deal of money which is locked up. I do not know whether they can realize on that until the whole road is completed. They cannot take over or utilize that 180 miles of road, nor can they do anything until the line is built. Therefore it is a great detriment to those bond-holders if they cannot take possession of that section of the road which their money has constructed. It is not only a wrong to the bondholder, but also an injury to investments in this country.

Hon. Mr. BOULTON—With regard to the point that the hon. gentleman has made, the bondholders from England sent out a commissioner to inquire into the position of the road, and he reported that it was in fair condition but that the rolling stock was deficient—most of it belonged to the construction company. The net earnings of the 180 miles of road were sufficient to pay one and a half per cent interest on the bonds up to the present, which is a satisfactory showing so far as the earnings are concerned. Of course, on the newer portion of the line, under the circumstances that I have detailed to you, the earnings have not been so great, and the one and a half per cent interest which should go to the English bond holders is absorbed in maintaining the line beyond. That is what I gathered from the report.

Hon. Mr. LOUGHEED—While I fully appreciate the value of the statement made by the hon. member from Marquette with regard to his section of country being opened up by railway communication and the completion of this line, if possible, yet there are more important considerations than those to which he has referred. I may say, for the information of the House, that over 250 miles of this road have been built. The

difficulty up to the present time has been in respect of the road being bonded in two sections. We have the English bondholders making an application to sever from the whole road the section which is covered by the bonds which now they hold. This matter has been in litigation for some time. The courts of Manitoba have fully ventilated the question, and the road is now in liquidation, and being operated by the receiver. Though I am in charge of this bill, if I thought the motion of the hon. gentleman from Marquette would accomplish the end which he has in view, I should not press the bill in its present form; but there are other considerations which have to receive our attention, viz., those of a financial character and which operate most seriously against the proposition of my hon. friend being carried out. I think this Government initiated a mistaken policy in dealing with colonization roads, in compelling them to build from year to year an arbitrary extent of railway. I took occasion to express myself in committee the other day with respect to this matter, and I now repeat that colonization roads of this character being commercial enterprises can only be built on a commercial and paying basis, and if the Government or the public insist upon such a road attempting to accomplish more than will have successful results financially, so sure will that road immediately become crippled and so sure will it operate to the detriment of the people through whose country it is built. Nothing can be more fatal to railway interests in the North-west Territories and to the interests of the settlers in that country than to make it compulsory for railways of this character to pursue a course which must cripple themselves and ruin the reputation of the country in the financial market. Thus we render it almost impossible to raise capital for the carrying out of such enterprises. This has been the case in promoting this particular line. The Government heretofore has insisted upon a certain amount of this road being completed at stated intervals. The progress sought to be made was of an arbitrary character; the financial results were not taken into consideration, and the consequence is we have a colonization road which started out under very favourable auspices, but attempting to build beyond their ability, was absolutely crippled. Is it wise to compel an enterprise of this kind to so cripple itself? The results are very manifest in the fact that this road is now in liquidation and with very poor prospects in the near future of being again placed on a sound financial basis. The difficulty which has been pointed out by my hon. friend in appealing to the Government of the country to come to the aid of this road, is that the company do not ask assistance from the Government. Last session and the session preceding that, they exhausted all their persuasive powers in trying to induce the Government to come to their aid, without success. I therefore fancy that the company are fully pursuaded that the Government will not assist them any more than has been done in the past. They have received munificent Government assistance, not only from the Dominion Government but from the Provincial Government of Manitoba.

Hon. Mr. BOULTON—And from the municipalities.

Hon. Mr. LOUGHEED—And with the results which we have seen. My hon. friend from Marquette proposes that this company shall be compelled, after 1896, to build 20 miles of road every year. We have staring us in the face a bankrupt corporation—a corporation absolutely crippled and utterly unable at the present moment to pay the interest on its bonds—only in receipt of revenue sufficient to pay running expenses and nothing more. How in the world is such a company, at the expiration of 1896, to build twenty miles of road per year until they reach Prince Albert?

Hon. Mr. KAULBACH—How does the company propose to get out of the difficulty?

Hon. Mr. LOUGHEED—The only thing I see the company can do is to run the road to the best possible advantage. The hon. gentleman may be perfectly assured of this fact, that if the construction of twenty miles of road would further cripple the company, they would not build it. I would furthermore point out what is an insuperable obstacle in the way of this railway to raise money on isolated sections of that character. Hon. gentlemen who are familiar with financing enterprises of this kind know perfectly well you cannot cut up a railway into sections, particularly a concern of this kind, and bond twenty miles of road this year and then float a bonded indebtedness

the following year for another twenty miles with entirely different parties. It is utterly impossible that this could be financially carried out, therefore the proposition made by my hon. friend from Marquette is an impractical one. Those interested financially in the road, as soon as they see that extension of the railway will result in a fair financial return, will be prepared to go on with it. The proposition made by the company to leave it with the Governor in Council to say whether they are in a position to proceed with so much of the section of 20 miles per year is most reasonable and the Government is in a much better position than the public to say whether the needs of the country are of such a character and the position of the company of such standing as to proceed with whatever length of road the Government may insist upon. They are in a position to make inquiry into it and if the settlers in that section will make representations to the Government that the company should proceed with a 20-mile section per year, I have no doubt the Governor in Council will consider whether it is in the interest of public policy that such a proposition should be carried out. I therefore submit to the House that the company should not be further crippled—that they have made a reasonable proposition, and in view of the immense amount of capital already expended this bill should pass as it has come from the committee. I would further more point out this fact, although my hon. friend has gone into figures which appear to be at variance with the figures submitted by the solicitor of the road, that the financial extravagances enumerated by him will not further assist the matter. The fact that this company has been financially embarrassed up to the present time—if the amount of money stated by my hon. friend has been sunk in the enterprise it will not assist in promoting the road in the future. It would have the contrary effect than that pressed upon us by my hon. friend. Therefore I think the bill should be read the third time in the shape in which it has come from the committee.

Hon. Mr. BOULTON—I do not desire to extend my remarks any further, nor do I wish to push the amendment to a vote. As I explained, my object was to point out to the Government the position in which we are placed, not with the object of interfering with a bill that the company wish to get passed, but in order to present these views to the Government. There is a great deal that my hon. friend has said which I cannot agree with. If that country is going to be blocked up by a company already in liquidation, then the question how long that company should be allowed to stand in the way of the development of that section of the country is a pertinent one. I ask permission to withdraw my amendment.

With the leave of the House the amendment was withdrawn and the bill was read the third time and passed.

## INSURANCE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (V) "An Act to further amend the Insurance Act."

(In the Committee.)

On the fifth clause,

Hon. Mr. ANGERS said : I propose to make the amendment, which I indicated at the second reading of the bill, in the third subsection. I want to substitute a clause which will render it less expensive and troublesome for the companies to comply with the requirements of the Act.

Hon. Mr. VIDAL—We have more than one chief agent in Canada for some of the larger companies. I know that one of the largest companies in the world has two chief agents in this country—one for western Canada, and one for eastern Canada, and it would be well to make provision that each of these chief agents should keep the necessary documents for his own district.

Hon. Mr. ANGERS—I have no objection whatever to the amendment.

The clause was amended accordingly and adopted.

Hon. Mr. VIDAL suggested an additional clause to relieve companies in respect to whom no complaint had been made, from the possibility of being subject to penalties for making reports signed by the secretary instead of by the chief agent, as called for by the Act.

Hon. Mr. ANGERS—I would be very willing to come to the relief of the companies that are sued, but I draw the attention of the House to the fact that it is an exceptional thing to legislate away the rights of litigants before the courts, and I am afraid that the purport of this amendment is to relieve companies which are now being sued.

Hon. Mr. VIDAL—Observe the expression "and in respect of which no complaint has ever been made."

Hon. Mr. ANGERS—You might substitute another word for "complaint"—"in respect to which no action has been taken."

Hon. Mr. VIDAL—The object is to prevent the company from being blackmailed—parties suing them to make money. Where they have no chief agent in the country, the documents have been attested by the secretary instead.

Hon. Mr. SCOTT—Ought we not to protect the companies under those conditions if we have the power? They have complied with the law, but because the document is signed by the secretary instead of the agent, it gives the right to an action which is a mere speculation and which should be frowned down. The object of the return having been complied with, the Government are perfectly satisfied. Everything has been clearly explained and the returns are satisfactory and yet because the returns are made by a secretary instead of a chief agent, the company technically becomes liable.

Hon. Mr. ANGERS—The objection is not that it was sworn to and given by the secretary instead of the president or actuary, but that it was given by an agent out of Canada; the courts hold that it must be by an agent in Canada. It is for the House to consider the propriety of interfering in an action which is pending before the courts. I think it is an extreme power for the House to take to interfere between the plaintiff and defendant in a pending action. I have never seen it done before.

Hon. Mr. SCOTT—I think I have, and it is just one of those cases where the court is powerless. There is not the slightest iota of merit in any such action; it is a mere speculation. The company has made its return, which is honest and fair, and it has been accepted by the Government, and no injury has accrued to anybody, but technically it has not been made by the proper officer.

Hon. Mr. ANGERS—There is more than that. Besides the return having been made by an officer that had no right to do it, some of the companies have neglected to make any returns, and I do not know whether these law suits turn upon the fact that they completely neglected to make the return or not. I do not think Parliament should interfere. I have never read a statute of the Parliament of Canada or any legislature that interfered in a law suit pending before the court. We can accept the amendment which relieves the companies for the future, but we cannot relieve them when they have been brought before the court. I think that is the furthest we can go. The amendment will come in immediately after subsection 3.

The amendment was adopted.

On subsection 5,

Hon. Mr. PELLETIER—Subsection 5 limits the time for making the statement required to the 1st January, or within two months thereafter. This would make the last on the 1st of March. I am requested by several companies in Quebec to state that they are accustomed to make their returns in the first two weeks of March, and it would be very hard on them if they were required to make their returns otherwise. If you could make it three months it would not make much difference to the Government.

Hon. Mr. ANGERS—I would accept the amendment, and say "within three months."

The amendment was adopted.

Hon. Mr. ANGERS—I have an amendment to propose to section 10 by adding a sixth subsection, that this section shall not interfere with the renewal of licenses heretofore granted, or to any application for license pending on the 1st April, 1894. It is not intended to interfere with companies that have been combining the business of life, fire and accident insurance. We have an application which was made in the month of December last by the Ætna, I believe,

which has not yet been adjudicated upon. Now, whatever their rights are to-day, we do not wish to interfere with them in this bill; we do not wish to acknowledge that they had any right, but we desire that the case should stand upon its own merits as if this bill had not been introduced, and therefore there is a reservation to that amendment to the effect that it shall not apply first of all to companies doing several kinds of business now, nor shall it interfere with the applications made up to the 1st of April—that is, previous to the introduction of this bill in the House. That amendment comes in as subsection 6 of section 10.

The amendment was adopted.

Hon. Mr. ANGERS—I move that the bill be amended by adding a 13th section which has the effect of providing for a case of error as to age in life insurance. I gave full details of the object of that clause and read the amendment to the House the other day.

Hon. Mr. SCOTT—It has been suggested that instead of adopting the explanation of the word "premium" as it is here, "the net annual premium," it should be the actual office premium, the difference being the reduction of profits. I had a letter from Mr. Ramsay, president of the Canada Life Company, suggesting that in giving an explanation of the word "premium" the fairer way would be to put it "actual office premium." That would be the amount without any deduction for profits.

Hon. Mr. POIRIER—The head office or the Canadian office?

Hon. Mr. SCOTT—The head office of the company. They have a premium; when a policy is taken out with profits to be deducted from the annual premium, then the profits are deducted from the premium and the person is charged with the balance.

Hon. Mr. ANGERS—I think the amendment should not be accepted. You insure in the company with profits; you remain insured fifteen years, and accordingly your premium diminishes every five years in certain companies. That premium, after you have been insured a length of time, is the real premium representing an insurance for such a period, and the amount to be paid should be calculated accordingly, and if the premium is to be increased, it should be increased from the date that you first insure to the end, varying every five years. I think it is better to keep the word "annual" as it is there, because otherwise you considerably reduce the capital to be paid the insurer. This amendment has been prepared with very great care by the Superintendent of Insurance, and it is a copy of the regulation made for the insuring of the Civil Service.

Hon. Mr. SCOTT—The clause is taken from the Ontario statute word for word. However I am not going to press that matter. I would like to ask why the third subsection was added here, making the preceding provisions subject to provincial legislation.

Hon. Mr. ANGERS—I stated the reason the other day. The provinces have legislation upon that subject, and it is in case we should exceed our own powers.

Hon. Mr. SCOTT—By that clause you allow our legislation to be superseded by theirs, whether *intra vires* or *ultra vires*.

Hon. Mr. ANGERS—No, because they might be dealing with civil rights, which do not belong to us, and in view of that I wanted to acknowledge their own jurisdiction in matters of that kind. That was the only object.

Hon. Mr. POWER—I should suggest that the Minister insert after "enactments" the words "*intra vires*," so as to show that constitutional enactments are meant.

Hon. Mr. ANGERS—I have no objection to that.

The amendment was adopted.

Hon. Mr. ANGERS—I have the honour to move that the committee rise, report progress and ask leave to sit again. The bill is not quite completed. I have received this afternoon letters and telegrams from gentlemen wishing to meet some members of the Government in relation to this bill, and I have answered that I would be willing to meet them to-morrow. They may have valuable suggestions to make and with the view of improving the bill, if it is necessary, or preventing injustice, I ask that the committee be authorized to sit again if so desired.

The motion was agreed to.

Hon. Mr. VIDAL, from the committee, reported progress and asked leave to sit to-morrow.

## SECOND READING.

Bill (O) "An Act for the relief of Samuel William Piper."—(Mr. Clemow.)

## MONTREAL HARBOUR COMMISSIONERS BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (F) "An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal."

(In the Committee.)

On clause 5,

Hon. Mr. BOWELL—There is no necessity for making any change in clause 5, the consideration of which was postponed from yesterday.

The clause was adopted.

On clause 6,

Hon. Mr. BOWELL moved that section 6 as it stands in the bill be struck out, and a clause substituted defining the limits of the harbour. He said: I may say this substituted clause was prepared by the law clerk and forwarded to the Harbour Commissioners in Montreal, and received this morning the approbation of that body.

The motion was agreed to.

On clause 47,

Hon. Mr. BOWELL—The questions arose as to the constitutionality of sections 25 and 47. In reference to 25, that was passed, but I promised the hon. gentleman from Montarville to make inquiry as to the point raised by him. The law officers and the Justice Department are of the opinion that clause 25 is fully within the powers of this Parliament, but it may be a question as to the advisability of allowing it to remain in the Act. I informed the Minister of Marine and Fisheries that that clause had passed, although I had promised to make inquiries upon those points, and he has promised to give the matter further consideration and to consult the Harbour Commissioners as to the propriety of its retention in the bill. For his part he thought there was very little use for it, and unless they had some good reason for retaining it he thought it would be better to drop it. I informed him that I thought the Senate would allow it to remain in the bill and that if he found it was unnecessary he could strike it out in the Commons. I move that the 47th clause be struck out of the bill.

The motion was agreed to.

Hon. Mr. VIDAL, from the committee, reported the bill with amendments.

Hon. Mr. BOWELL moved that the amendments be concurred in.

The motion was agreed to.

The Senate adjourned at 5.30 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, 9th May, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE NORTH-WEST TERRITORIES SCHOOL LAWS.

PETITION PRESENTED.

Mr. BOWELL presented the petition of Cardinal Taschereau and the Roman Catholic Bishops and Archbishops of the province of Quebec in relation to the school laws of the North-west Territories.

Hon. Mr. BELLEROSE asked if it was the intention to have this petition presented.

Hon. Mr. BOWELL—Personally, I have no objection. If it is placed *in extenso* in the minutes of proceedings, it might be regarded as a precedent for similar publications hereafter. I think it should take the usual course.

Hon. Mr. BELLEROSE—If the House has no objection, I would move that the petition be printed after the reading of it to-morrow.

Hon. Mr. KAULBACH—Has the same petition been presented in the other House?

Hon. Mr. BELLEROSE—It has.

Hon. Mr. KAULBACH—Then, would it not be better to let it go before the Printing Committee?

Hon. Mr. BELLEROSE—Documents are sent to the committee as a matter of course, but petitions are read at the Table and they then go into the waste paper basket or are pigeon-holed in the department. That is why I move that this petition be printed for circulation after it is read to-morrow.

Hon. Mr. ALMON—I have very much pleasure in seconding the motion, because I think that a petition presented by people of such importance should be printed and circulated.

The motion was agreed to.

## THE NORTH-WEST TERRITORIES SCHOOL ORDINANCES.

INQUIRY.

Hon. Mr. BERNIER inquired:

Whether the Government have received from the Executive Committee of the North-west Territories, or from any official or authority in the North-west Territories, any answer to, or any communication in connection with the following representations and requests as set forth in a letter of the Honourable the Secretary of State to His Honour the Lieutenant-Governor of the North-west Territories, dated the 15th February, 1894, viz.:—

I am now to inform you that His Excellency in Council regrets that the changes made in the ordinance relating to education should have been such as to cause unwittingly dissatisfaction and alarm on the part of the petitioners, and I am to urgently request that the complaints set forth by them be carefully inquired into, and the whole subject be reviewed by the Executive Committee and the North-west Assembly, in order that redress be given by such amending ordinances or amending regulations as may be found necessary to meet any grievances, or any well founded apprehensions which may be ascertained to exist.

And, in case the Government having received no answer to the above, is it their intention to urge again an early answer from the proper authorities in the North-west Territories?

Hon. Mr. ANGERS—No reply has been received by the Department of the Secretary of State further than the acknowledgment of His Honour the Lieutenant-Governor of the North-west Territories, dated the 24th of February, 1894, stating that the observations above quoted should be submitted to the Executive Committee and to the Legislative Assembly of the Territories for their consideration. The Legislative Assembly of the North-west Territories has not since been assembled, and the representations made by His Excellency in Council cannot yet have been laid before them for their consideration. It is impossible, therefore, that any proper request to make such a reply as they deem advisable, can be made before they do assemble.

## THIRD READING.

Bill (S) "An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal."—(Mr. Bowell.)

## RED DEER VALLEY RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. LOUGHEED moved the third reading of Bill (L) "An Act to again revive and amend the Act to incorporate the Red Deer Valley Railway and Coal Company." He said: This bill has been deferred from time to time awaiting the arrival of a petition from England duly signed. That petition has been received, and I now move the third reading of the bill.

The motion was agreed to and the bill was read the third time and passed.

## DOMINION WOMAN'S CHRISTIAN TEMPERANCE UNION BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (56) "An Act to incorporate the Dominion Woman's Christian Temperance Union." He said: Hon. gentlemen are no doubt acquainted with the existence of this very useful and influential body. They are seeking an Act of incorporation simply to enable them to hold such lands and property as may be necessary for their purposes, with the usual restrictions as to the value and length of time the property may be held which may come into their possession. The second clause of the bill sets forth the whole substance of it. Hon. gentlemen will see that the object for which they are united is purely a benevolent one against which no possible objection can be made. It is simply to do what in their

power lies to rescue those who are perishing and to restore those who are fallen. They do not expect to make any money by it—there is nothing of that kind in it. It is simply to enable them to associate as a corporation capable of holding property.

The motion was agreed to, and the bill was read the second time.

## SECOND READINGS.

Bill (28) "An Act respecting the Ontario Mutual Life Association Company."—(Mr. Merner.)

Bill (33) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company."—(Mr. Ferguson, P.E.I.)

Bill (43) "An Act to amend the Act respecting the Ladies of the Sacred Heart of Jesus."—(Mr. Robitaille.)

Bill (W) "An Act for the relief of Orlando George Richmond Johnson."—(Mr. Clemow.)

## INSURANCE ACT AMENDMENT BILL

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (V) "An Act to further amend the Insurance Act."

(In the Committee.)

On subsection 5,

Hon. Mr. ANGERS—In answer to a request made yesterday, I met some of the agents of the company who represented that the delay in making the preliminary report was too short, and that they should be given a month. Instead of being required to furnish it on the fifteenth of January they wanted thirty days. I therefore move an amendment to meet their views in that respect, fixing the date the first February.

The amendment was agreed to and the clause was adopted.

Hon. Mr. ANGERS—I think it is better to drop the third subsection which made a reservation as to the provisions made by the local legislatures. I move that the clause be omitted from the bill.

The motion was agreed to.

Hon. Mr. VIDAL, from the committee, reported bill with amendments which were concurred in.

## NORTH-WEST TERRITORIES GAME PRESERVATION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Z) "An Act for the Preservation of Game in certain parts of the North-west Territories of Canada."

(In the Committee.)

On the first clause,

Hon. Mr. POWER—The hon. gentleman from Lunenburg, when this bill was at the second reading, made a suggestion that it should apply to a portion of the country outside of the North-west Territories; and it occurred to me at the same time—I did not catch what the hon. gentleman said—that it might be applied also to the territory of Labrador. I rise for the purpose of suggesting to the leader of the House that the title might be amended so as to read, "The Territories Game Preservation Act." That will cover all the territories outside of the provinces.

Hon. Mr. BOWELL—I do know that there is any objection to that.

The clause was amended accordingly and adopted.

On the second clause,

Hon. Mr. POWER—I think this clause ought to be amended in this way. The bill applies to those portions of Canada which are not included within any of the provinces or the provisional districts of Assiniboia, Alberta and Saskatchewan.

Hon. Mr. KAULBACH—That will cover Labrador.

Hon. Mr. DRUMMOND—Before adopting an amendment like this, it would be well to have the opinion of the experts who drafted the bill. The habits of birds and animals on the Labrador coast might not be the same as those of the birds and animals west of Hudson Bay.

Hon. Mr. LOUGHEED—My hon. friend's suggestion might possibly invade the rights

of the provinces in regard to such legislation as this.

Hon. Mr. POWER—I propose to alter this clause so that it shall not. With respect to the objection made by the hon. gentleman from Kennebec, the bill as it stands was intended to apply to all the territory west of Hudson Bay and north of these provisional districts mentioned here, and if we extend it so as to include Labrador, the moose and caribou would be protected. Their habits are very much the same as those of the same animals on the west side of Hudson Bay.

Hon. Mr. DRUMMOND—That is what I was in doubt about.

Hon. Mr. BOWELL—I do not care to adopt that suggestion until I make further inquiries, more particularly as to the habits of the birds and animals that live on the Labrador coast and to the north, more particularly north of Quebec, and which would be included in the provisions of this bill if the suggestions of the hon. gentleman from Halifax were adopted. I have made a note of it, however, and if it is deemed advisable at the third reading, I will refer it back to committee for the purpose of giving it the wider meaning conveyed in the hon. gentleman's suggestions, but without further information I do not think I would be justified in giving it so wide a range. If the habits of the moose and the birds are the same on the Labrador coast within the Dominion as they are to the west of Hudson Bay, his suggestion is one which should be adopted.

The clause was adopted.

On clause 5,

Hon. Mr. POWER—In respect to that provision, if the bill is really intended to afford any protection to these animals, the end of the close season should be later. I have examined the game laws of Ontario, Quebec and Manitoba, and I find that in no case are any of these animals allowed to be killed before the 1st September, and the general rule is that the close season ends on the 1st October. In Quebec, for the moose, caribou, &c., it is the 15th September, and for deer, the 1st October. Instead of the the 15th July I suggest that we should insert the 1st September. The hon. member for Wolseley, who is not in the House now, told me that he quite agreed in this view with respect to the termination of the close season.

Hon. Mr. ALLAN—I have no doubt the hon. leader of the House has obtained all the information that he thinks necessary with regard to the habits of the different animals, but I should suppose that what is stated by my hon. friend from Halifax would apply to deer. Unless their habits and breeding seasons are totally different in those districts the same rule would apply.

Hon. Mr. BOWELL—The close season for those animals has been fixed after full consideration and suggestions on the part of those in the Hudson's Bay Company, and other officials in the North-west. I might better read the suggestions made by the Commissioner of the Hudson Bay Company at Winnipeg, Mr. Chipman. He says:

> The close season for musk oxen is suggested with a view of the prevailing slaughter of these animals when the snow is soft and they herd together, and are most easily killed in large numbers; they will be sufficiently protected by this close season, which should also be observed by the Indians. The other animals are in their prime or fat condition from about the 15th July to about the middle of September, and during that season all hunters are busy hunting these animals, curing the meat and storing it for winter use. Many of the missions and the company's posts also depend upon the meat cured at that season for their use during the winter.

I suppose long experience has led them to the conclusion that if they are prohibited from being killed up to the period mentioned it would be quite sufficient. He also added:

> The Indians inhabiting the country adjacent to the barren lands depend upon the caribou for winter clothing. During the early part of August they go to meet these animals in the barren lands migrating from the Arctic coast to the wooded country, and there secure the skins they require before the hair of the new coat of the animal becomes too long.

I made special inquiries on this point, after the short discussion which took place when I introduced the bill, and in clause *f* I propose to extend the time as suggested by the hon. member from Lunenburg, but I think we should let the other dates remain.

Hon. Mr. POWER—The bill does not contain any provision to prevent the expor-

tation of hides. I do not know whether the hon. Minister proposes to insert any provision as to that matter, but with respect to the elk, deer, caribou, moose, etc., the Indians go to meet these animals some time in the middle of August. In clause 8, paragraph *a*, it is provided that the birds and beasts mentioned may be lawfully hunted, taken or killed by Indians who are inhabitants of the country to which this Act applies. So there is nothing in that argument; they will not be affected by this bill when it becomes law. The paragraph goes on "and by other inhabitants of the said country;" so when you say the law shall not apply to the inhabitants of the country, then, as regards outsiders at any rate, you may make the law a little strict.

Hon. Mr. BOWELL—I take it for granted that those who had the fixing of these dates —the company that has been engaged in the killing of the animals for furs, &c., and food for 200 years—ought at least to know as much about it as we do, and I am quite willing to accept their suggestions under the circumstances. If they were to attempt to say to me at what period they should kill deer in Hastings County, Ontario, I should be inclined to dispute it, but I think the House might accept the suggestions of those who are really more interested in the preservation of those animals, than any other inhabitants of the Dominion. They make their money from it. They have to supply the Indians when they are out of food by advances which they have to make, and I take it for granted when they tell us that the game will be sufficiently protected by establishing a certain close season, that they know what they are talking about; otherwise there would be very little use in submitting the bill to them.

Hon. Mr. POWER—If I understand the argument of the hon. leader, it is that the House is bound to accept the bill as it comes from the Hudson Bay Company. What is the object of submitting it to us if we have to take it as it comes? If it must pass as it comes from the Hudson Bay Company, then it is a solemn farce putting the bill through this House. My hon. friend read a memorandum which comes from the Hudson Bay Company. They give as a reason for allowing the killing of these animals in August, that at that time the Indians meet the caribou on the barren grounds; and I call the hon. gentleman's attention to the fact that in a later section of the bill it is provided that this restriction shall not apply to Indians at all, so that the argument of the Hudson Bay Company's representative really amounts to nothing. We are dealing with the elk, moose, caribou, deer, mountain sheep and mountain goats. The paper which the hon. gentleman read refers to the caribou, and if the law does not apply to Indians at all, what is there in that argument that the Indians go to meet the caribou? If it is desirable to preserve these animals, then hunters from the United States and elsewhere should not be allowed to go in and slaughter them at the time of the year when they are very easily killed and when they are not allowed to be killed in any other part of the country.

Hon. Mr. BOULTON—The conditions in that north-western country are very different from the conditions in the southern country. The caribou meet in large numbers, hundreds of thousands of them meet on the barren grounds during the summer time and fatten up very early. The Hudson Bay Company send out their trappers, half-breeds and Indians in order to collect these skins and possibly to make pemican of the flesh for winter use, and I daresay they are further prompted in that by their desire to secure as many hides as they possibly can during that season when the caribou are herded together. Later on, in the latter part of the months of August and September, they divide up into bands, and find their way south. Now that is a very different thing from providing protection for game in other countries where settlements exist in larger numbers; and I think that the hon. member for Halifax would realize these facts with regard to all our game that is so far north as that; our wild fowl prepare to leave those latitudes in the month of August, and are gradually flying south and passing through our neighbourhood in September and October. In the country where I reside there is a difference of a fortnight between the periods during which the game may be hunted; that is to say, the close season extends to the 1st September in Manitoba, but it extends only up to the 15th August in the North-west Territories, and they are next to us and extend over a greater field taking in Prince Albert and Edmonton. This bill, I understand, is

for the purpose of protecting game to the north of Prince Albert and Edmonton, and those higher latitudes with which we are not so well acquainted, and I think the hon. gentleman from Halifax should take the view that these gentlemen who have advised the Government in this matter probably are better acquainted with it than we are ourselves. No one realizes the importance, more than I do, of affording ample protection to game of all kinds from wanton destruction either by the Indians or trappers, and this bill is the first step in the direction of exercising that lawful control in these isolated tracts of our country, which will no doubt need amendments from time to time as experience dictates to us the effect of its working.

Hon. Mr. BOWELL—The senior member for Halifax will not object, if I dissent from his reasoning and his logic. He lays down the principle that because he assumes this bill came from the Hudson Bay Company, therefore it is a farce if his suggestions are not accepted.

Hon. Mr. POWER—No, I did not say that.

Hon. Mr. BOWELL—The hon. gentleman says if we are to take the bill as it is presented, then it becomes a farce. The bill is presented to the House for its approval upon the responsibility of the Government, after having sought the best possible information they could obtain. We are very glad to have any suggestions from the House which would tend to improve the bill and the best evidence that this is the spirit with which it is introduced is that the suggestions made by the hon. member from Lunenburg and the hon. member from Halifax have been accepted in reference to grouse, partridge and pheasants. It does not become a farce because the Government seeks to obtain the best possible information in the country in the framing of an Act which affects such a large portion of the Dominion, and which is intended to supply, the food of those whom we would have to support by feeding them as we are now doing in the North-west if this legislation were not adopted. I have given the reasons why this bill is introduced and the information upon which the Government have framed the clauses. I do not complain of any remarks the hon. gentleman may make. That is his province, but he must not fancy the bill is a farce because we do not accept every suggestion that he makes.

Hon. Mr. LOUGHEED—I think no better source could be applied to than the Hudson Bay Company for information of that character. I would be prepared to accept the information presented by the hon. leader of the House in regard to section 5, but it appears to me the very infirmity is contained in section 8, and that that is what is operating principally in the mind of my hon. friend from Halifax. I therefore would be prepared to accept the close season as mentioned in section 5.

Hon. Mr. POWER—I do not wish the language I used to be misapprehended. As I understood the hon. Minister, he said that the suggestions had come from the Hudson Bay Company, and the conclusion which he drew was that the House had nothing to do but accept them.

Hon. Mr. BOWELL—No.

Hon. Mr. POWER—That was the impression which was left on my mind, and I said the natural consequence then is that if we are to accept what the Hudson Bay Company suggest, the submitting of the bill to the House is a farce, and I think that although the word "farce" is not a very parliamentary expression, and I regret that I should have used it, still it very nearly describes what I thought the performance was going to be.

Hon. Mr. McCLELAN—I think that the Government deserve credit for introducing a bill of this character with reference to that country, because I have been impressed with the information I have received with regard to the enormous quantities of reindeer that exist particularly in that northern country, which will be subject, no doubt, in the future to indiscriminate slaughter unless something of this kind be provided. With regard to the close season named, I rather agree with the remarks made by the hon. member from Halifax. The Government have taken the best means to obtain information with regard to that, and therefore I do not suppose any sugges-

tions of mine would be of any avail, but I rise more particularly to say that perhaps the difficulty could be overcome by putting a clause in leaving it open to the Governor in Council, on receiving further information at any time, to change the close season and thus in the future obviate the enactment of any amendment.

The clause was adopted.

On subsection *g*,

Hon. Mr. KAULBACH—Has anything happened to the swan that it is not necessary to require as long a period of protection? I think it should come under the same category as other wild fowl.

Hon. Mr. BOWELL—I have no objection to that. I might add, for the information of the committee, that this bill has been framed after consultation with Mr. Ogilvie, who has been out in the North-west two or three years, and has given a very great deal of information in reference to the large quantity of deer, caribou and other animals there, and has, during the period he was in that country, studied the habits of these animals.

Hon. Mr. POWER—I think the hon. gentleman from Lunenburg is not quite right about this, because, I understand, the object is to allow the shooting of game of that sort when they are going north, so that the close season would cover the time when they are breeding, and the young are too small to be able to shift for themselves. If instead of the fifteenth August you would say the first September, that would be quite sufficient. The birds fly north in April and the beginning of May.

The clause was adopted.

On clause 8,

Hon. Mr. LOUGHEED—Is there any reason why this should not be made to read "food purposes for Indians." I think the principal danger to-day arises from the indiscriminate slaughter of game by the Indians.

Hon. Mr. ALLAN—What is covered by other inhabitants?

Hon. Mr. BOULTON—Settlers.

Hon. Mr. BOWELL—There are inhabitants of that country who live in the same manner as the Indians do, and you will see by the clause *b* that explorers, surveyors or travellers, are excluded from the operation of the clause. The object of the bill is to prevent, as far as possible, the indiscriminate slaughter of game for the purposes of mere pleasure or sport. All the inhabitants of the country to which the bill applies are practically dependent upon game for food, and exceptions are made and must be made in their favour. Numbers of parties engaged by the Hudson Bay Company are what may be termed half-breeds, and do not come under the category of Indians, but they live in the same manner and their habits are very much the same, and it is impossible to interfere with that class of people in that section of the country without endangering its peace.

Hon. Mr. LOUGHEED—That is not objected to. What is objected to is that these parties should have a right at all seasons of the year to indiscriminately slaughter animals and birds. Subsection *a* is not limited to the slaughter of animals and birds for the purposes of food. That appears to be the difficulty.

Hon. Mr. BOWELL—Quite true, and that latitude is given after a great deal of thought and consideration. You cannot deal with Indians and those who live as Indians do, in the same manner that you deal with what you might term civilized people. Hence, in framing a bill of this kind it is necessary to give as much latitude as possible, but at the same time make as many restrictions as you can for the preservation of game.

Hon. Mr. MASSON—This would apply very well to the preceding clause, but it surely cannot apply to mink, fisher, beaver, etc., which are useless except for their skins. You might as well say that everybody can kill those animals in and out of season. If the hon. gentleman wants to provide for that, why does he not exclude purely fur-bearing animals which are not articles of food in that country? If that clause is allowed to pass as it is, there is no use in the measure at all.

Hon. Mr. KAULBACH—Sportsmen come to this country and employ Indians to

slaughter animals. They might employ Indians simply for the purpose of securing the antlers and hides. That ought to be provided against.

Hon. Mr. ALLAN—Many difficulties must exist in framing a bill of this kind, and in criticising one may be speaking without proper knowledge of the subject. It is a question in which I take a good deal of interest. I presume the principle which underlies these subsections of clause 8 is just this —that in a country like our North-west the Indians and others who happen to be living there, depend entirely upon these animals and birds for food, and it is not desired to restrict them in any way from obtaining whatever they require for their support, but while there is that desire, the object of the bill would be to some extent to prevent either the Indians or other inhabitants from slaughtering the animals except for food. They would undoubtedly have the right under this clause to kill fur-bearing animals and possibly eat them too. It strikes me that the clause requires some little alteration, but I make the suggestion with all deference. because I am speaking perhaps in ignorance of the subject.

Hon. Mr. SUTHERLAND—The Indians are particular not to slaughter either fur-bearing animals or fowl only when they are prime, or when necessity compels them to slaughter them for food. The reason is that the hides are of no value during the close season. They know that, and consequently are prevented, by that knowledge, from slaughtering those valuable animals out of season. That of itself would prevent them killing those animals that are not prime.

Hon. Mr. MASSON—The inhabitants of that country must be much wiser than the people of this part of Canada, and they must be changing from what they were in the old time. I remember reading that in the olden times the Hudson Bay Company had to refuse large numbers of skins because the animals were killed out of season.

Hon. Mr. SUTHERLAND—You would surely let the Indians live, anyway.

Hon. Mr. POWER—If you inserted at the beginning of the paragraph "for food," it would meet the difficulty.

Hon. Mr. BOWELL—The explanation given by the hon. gentleman from Selkirk is the reason why this clause is framed as it is. The Hudson Bay Company had very stringent laws for the preservation of these animals, and that has been necessitated by the very reasons given by the hon. gentleman from Terrebonne. They have laid down the principle of not buying furs taken out of season. They refuse absolutely, I am informed, to purchase furs of animals killed out of season, hence the Indians are sufficiently cunning not to kill them except when it is absolutely necessary for food for their own sustenance. It was deemed inadvisable, so far as they are concerned, and the class of people to whom I have referred who live in that country and have the same habits as the Indians. There would be some difficulty in carrying out even the provisions of the bill which are not as restrictive as we would like to see them, and in order to do so, the Hudson Bay Company's officials will have to be utilized in large portions of that country. For a small remuneration they will act on behalf of the Government, if we will give them the power to do so. I may also add, the Hudson Bay Company have agreed to carry out the provisions of this bill to the fullest possible extent, and have also informed the Government that for a very small remuneration to some of their officers they will accept the responsibility. Otherwise it would be impracticable to enforce the provisions of this measure, except by the expenditure of a large sum of money. I think that the committee had better let the clause pass as it is. In the meantime, I have made a note of the suggestions that have been made, and if at the third reading it should be considered advisable to accept them, I will be glad to do so.

Hon. Mr. LOUGHEED—Has the hon. gentleman any information as to the number of sportsmen who yearly visit those unorganized districts? My impression is that they are very few indeed. Most of them are old country people who usually make it a point to publish a book on their return home. They are extremely few and the difficulty of heretofore has arisen from the Indians and other inhabitants of the country indiscriminately slaughtering the animals and birds. My experience confirms what has been said by the hon. member from Terrebonne. The Indians in my section of the country kill

indiscriminately in the close season. They slaughter with clubs and other weapons the birds and animals they come in contact with. The most destructive element we have in that country is the Indians themselves, and it is only with a desire to see this bill made as effective as possible that I have thrown out the suggestion that they should only be allowed to kill animals out of season for necessary food.

Hon. Mr. MASSON—Are independent traders numerous in that country?

Hon. Mr. LOUGHEED—Yes, and they would come under the designation of inhabitants.

Hon. Mr. MASSON—The Hudson Bay Company would not poach or do anything wrong, but the independent traders would secure the furs that the Hudson Bay Company would refuse, and they would employ the Indians to kill the animals out of season.

Hon. Mr. POWER—There is a large portion of the Peace River country in which there are other people besides the Hudson Bay Company's employees. The district of Athabasca also is very much frequented by people from the south, and this law is to apply to Keewatin in which region there are many strangers, people who are not employees of that company, and if it is made clear that the Indians and other inhabitants of the country can kill all they require for food, that is all they should expect. It has been stated by the hon. gentleman from Selkirk that the Indians do not kill the animals out of season, except what they require for food. If that be the case, there can be no objection to provide by law that they shall continue the practice which they have adopted. If the Indians do not make a practice of killing these animals out of season for their furs now, there can be no objection whatever to saying that their practice shall be the law.

Hon. Mr. DRUMMOND—I had the impression that this clause was too wide, but the assurance of the leader of the House that he would consider the suggestions I look upon as sufficient.

Hon. Mr. LOUGHEED—Would it not be possible for those parties designated in subsection *b* to obtain a license? I can appreciate the position of surveyors and those performing governmental duties in that country. It appears to me that "travellers" is a very wide designation.

Hon. Mr. DRUMMOND—That could be carried by expunging subsection *a*.

Hon. Mr. BOWELL—That would leave it under subsections *a* and *c*.

Hon. Mr. LOUGHEED—Every sportsman could designate himself a "traveller."

Hon. Mr. BOWELL—He is permitted only to shoot for food. If he exceeds that, he is subject to a penalty. "Travellers," I think, would cover the class of gentlemen to whom the hon. member referred. There are many sportsmen who like to spend some months in travelling through, not merely the North-west Territories, but the unexplored portions of Canada, for the purpose of hunting and shooting. Their whole aim is to kill, and knowing that they cannot take out what they slaughter, they kill everything they come across, even when there is no market for it. The object of the bill is to prevent travellers going through that country from killing anything beyond that which is necessary for food. Under the regulations which the Governor in Council has the power to adopt, these licenses can be granted. They can be issued at certain periods of the year to other persons who may go into that country during the prohibited seasons.

The clause was adopted.

On the 15th clause,

Hon. Mr. POWER—I wish to direct the attention of the Minister to a very probable abuse of the provisions of this clause. The intention is good but I do not think that the clause as worded will carry out the intention. It provides as follows:—

> Every one who enters into any contract or agreement with, or employs any Indian, whether such Indian is an inhabitant of the country to which this Act applies or not, to hunt, kill or trap, contrary to the provisions of this Act, any of the beasts or birds mentioned in this Act, or to take, contrary to such provisions, any eggs, is guilty of an offence against this Act, and liable on summary conviction thereof to the same penalty as that, if any, incurred by any Indian so contracted or agreed with or employed by him.

Under section 8, the Indian is not liable to any penalty, and this man is only liable, on summary conviction, to the penalty that the Indian would incur. As the Indian is not liable to any, the employer of the Indian would not be liable to any either. The language of the clause should be changed.

Hon. Mr. BOWELL—This is a provision that meets the very cases to which the hon. gentleman referred a few moments ago when discussing clause 8—that is of employing Indians to violate the law. Here is the provision for the purpose of preventing that. I have no objection, however, to make the language clear if the committee think it necessary.

Hon. Mr. LOUGHEED—My hon. friend from Halifax is quite correct. The offence complained of is the offence committed by the Indians.

Hon. Mr. BOWELL—The Indians who shall be employed to do it.

Hon. Mr. LOUGHEED—The employer is liable to the same penalty as the Indian. It should read that the employer is liable to the same penalty as if he himself had committed the offence.

Hon. Mr. POWER—My suggestion is that this clause should be left over for consideration.

The clause was allowed to stand.

On the 17th clause,

Hon. Mr. POWER—This clause provides that the convicting officer may have the bird or animal for his own use. That is rather offering a temptation.

Hon. Mr. LOUGHEED—Should he not account for the proceeds thereof to the Receiver General? He should account to somebody. For instance, there may be a confiscation of a very large amount of property.

Hon. Mr. DEBOUCHERVILLE—He cannot sell it.

Hon. Mr. POWER—I think he ought to make a return of the articles seized.

Hon. Mr. LOUGHEED—I would furthermore point out this consideration, that many of the officers administering this Act will be largely irresponsible. There will be no possibility of appealing from their conviction or judgment, and no inducement should be held out to those parties by which they might connive at the commission of an offence for the purpose of making such a confiscation as is mentioned here.

Hon. Mr. BOWELL—That would be a good suggestion, probably, if they were living in this part of the world. But supposing a musk-ox has been shot illegally, either the party who has committed the offence must be permitted to retain it for his own use, or it should go into the hands of the man who caught him in the act of violating the law, otherwise it would be allowed to spoil. The provision here is to prevent the sale or exportation of them. Hence there is no possibility of profit arising in that respect to the party other than that which would follow from the fact of his having a larger quantity of food.

Hon. Mr. LOUGHEED—I fully appreciate the difficulty of making any disposition of the property, but what I do object to is that there should be placed on the Statute-book anything which would encourage in the minds of officers the conniving at the commission of such an act. For instance, he might find in the possession of some one a very large number of skins worth a large amount of money. What I should like to see on the face of the bill is that he should be liable at any time to account for such property coming into his possession if it be not of a perishable nature.

Hon. Mr. BOWELL—This applies to a beast or bird or an egg and does not go beyond that. If an officer found a bale of furs, for instance, and confiscated them, I could see the force of the hon. gentleman's remark, but this only applies to the limited extent to which I have referred. In the distribution of penalties, particularly in a country like that, where there could be no possibility of disposing of the beast, bird or egg, except by eating it, or preserving it for food, I do not know that we could make a better disposition of it than this.

Hon. Mr. POWER—Does the hon. gentleman see any objection to the convicting officer making a record of the conviction and the disposal of the article?

Hon. Mr. BOWELL—No, I see no objection, and I have made a note for the purpose of considering it further.

Hon. Mr. PROWSE—It is very objectionable to give a convicting judge or magistrate a power of this kind. It will have the effect of bringing the judge into very bad odour with the people. If a seizure is made, no matter how trivial its value may be, the party from whom it is taken feels aggrieved, and if an article or an animal is appropriated to the judge's own use, the man will be convinced that the seizure has been made for the personal benefit of the officer and not in the public interest. It is very objectionable that any judge or justice of the peace should be allowed to appropriate property of this kind for his own use or benefit. It would be much better to have it burnt or destroyed and let the judge be above suspicion of having confiscated the article for his own use.

The clause was adopted.

On clause 19,

Hon. Mr. LOUGHEED—This provision is entirely inconsistent with one of the best established principles of jurisprudence, namely, that a man should not be presumed to be guilty until he is proved guilty, and especially is this the case as it is proposed to vest judicial authority in officers who by reason of great distance from centres of settlements are not practically subject to any court of appeal, but are empowered to bring offenders before them and have the alleged offender prove himself innocent before there is any evidence of guilt before the court.

Hon. Mr. BOWELL—I think the principle laid down by the hon. gentleman is, in the main, correct, but there are exceptions to it, which will be found in the customs regulations in all parts of the world. In all customs laws and inland revenue laws, exception is made in a case of this kind, for the reason that the person supposed to be guilty of infraction of the law is the only one who can give evidence of his innocence. The fact of the man having the prohibited bird or eggs in his possession should be *prima facie* evidence of guilt, and if he can show, either by his own oath or any other means, that he has obtained it without violating the law, he is the only one who could possibly do it. Take a traveller having one of the prohibited articles in his possession, which he should not have at that season of the year, he is the only person who can prove that he obtained it properly. Under the general principles of law, he would turn round and say to you: "Prove that I stole or killed this bird at an improper time of the year," and there would be nobody there to prove. I think it is a wise provision, under the peculiar circumstances of the case, and for the reasons I have given.

Hon. Mr. POWER—The argument of the hon. Minister is quite correct, as applied to clause 18, but it does not appear to me to apply to clause 19. I think there should be a *prima facie* case made out first, because in a country like that, where the men acting as magistrates will be largely irresponsible, and in some cases probably interested in the conviction, an opportunity is given for revenge under the guise of legal process, and that should not be encouraged.

Hon. Mr. LOUGHEED—Why should not the laws of evidence which apply to the commission of all criminal offences be applicable in this case? If any one charged with the commission of an offence under this Act is caught in the act, or found in possession of the eggs or of any of the animals in question, of course there is a *prima facie* case made out immediately; the onus is upon him to prove his innocence. But supposing some game guardian or Hudson Bay officer should choose to lay a complaint against A. without a scintilla of evidence, then A. is at once subject to a criminal prosecution, and the onus is on him to establish his innocence.

Hon. Mr. FERGUSON (P.E.I.)—I would not agree with what the hon. gentleman said about clause 18. I think that is the same as we have, or nearly so, for the preservation of oysters and salmon in the lower provinces. It seems to me clause 19 goes too far, and it would never do, because the person happens to be charged, that the proof of his innocence should be thrown upon him without any *prima facie* case.

Hon. Mr. BOWELL—In the abstract the principle is obnoxious to all British subjects, but you will find a corresponding provision in very many Acts upon the Statute-book

affecting the revenue and violation of laws where you have no means of obtaining evidence to convict except from the person himself. It is not confined exclusively to this measure, nor do I suppose it could have been placed in this bill were it not for the fact that if you had to rely exclusively upon the general laws you would scarcely ever get a conviction. I think it is a wise provision. I have seen very many cases of fraud in which it was utterly impossible to arrive at the facts unless you compelled the person who was accused to prove his innocence; otherwise the law would be an utter nullity. I do not hesitate to say that if that provision was not in the Customs Act and in the Inland Revenue Act, the law would scarcely be worth a snap of your finger; people might go on defrauding the revenue from year to year and never could be reached.

Hon. Mr. FERGUSON—That only applies in the case of seizures where there is *prima facie* evidence.

Hon. Mr. BOWELL—No, it applies in cases where you suspect a man of smuggling, and where you have no evidence other than the fact of the belief that he has smuggled, from the face of the invoice which he may have presented, or that he may have in his store a much larger quantity of goods than would be inferred by the entries which he had made, and which he may have purchased in Canada, and not imported at all. In a country like the North-west, where the laws of evidence could scarcely apply, I think it is a wise provision, however obnoxious it may appear on the face of it.

Hon. Mr. LOUGHEED—The customs laws and inland revenue laws are in operation in centres where there are courts of appeal, and where, if you imprison a man a *habeas corpus* could be obtained in a couple of hours. But if a man is arrested out on these barren lands, where there are no courts within his reach, he might serve the full term before there could be any communication with a judge.

Hon. Mr. MASSON—I readily understand if a man is in possession of an article which he should not have, or in a place where he has no right to be, that he should be compelled to explain. Take the case of a hunter or a traveller; his dog may get loose and run after game, and a zealous officer might come forward and make an accusation against him. That man will have to prove he is innocent and that he had no intention of violating the law, while the officer will say: "I have nothing to prove against you, I saw the dog running, you must prove you are not guilty." I can understand some cases where it would apply.

Hon. Mr. BOWELL—How would it be possible to convict the traveller in the case to which the hon. gentleman refers, if the traveller had some hounds and set them on some buffalo and killed them? The officer comes and finds him there and he says, "Well I did not set the dogs on: they went themselves."

Hon. Mr. LOUGHEED—The present law of evidence would apply in that case and fasten a *prima facie* case upon him.

Hon. Mr. BOWELL—Where would you get the evidence if he were there unless you put him on oath?

Hon. Mr. LOUGHEED—The fact that his dogs ran after the animal would be a *prima facie* case against him.

Hon. Mr. BOWELL—But the hon. gentleman says you should prove that he did it with the intention of killing the animal.

Hon. Mr. GOWAN—I must say I consider the language of that clause very broad. I think it would be better to defer the consideration of it, to see if one or two words could not be imported which would somewhat qualify it. I know in the customs law it is necessary to have some such analogous law as this. I think the clause is almost too wide.

The clause was allowed to stand.

On clause 22,

Hon. Mr. ALLAN—In relation to clause 22 I venture to throw out the suggestion that perhaps it would be better, in the case of persons who travel in that part of the North-west, to make collections of birds or animals for scientific purposes, to provide that they shall furnish themselves with a certificate to that effect, signed by some one in authority outside of the territory, to show that they really are travelling for scientific

purposes. This clause leaves it in the discretion of the game-guardian, who perhaps may not be always the very safest person to deal with it or the best judge as to the objects or qualifications of the traveller. I think it would be much better that persons going there with that object should obtain a certificate before entering the country rather than take the chance of afterwards getting permission from the guardian. I venture to suggest, for the consideration of the Minister, whether that would not be a safer provision. The last lines of the clause seem to me very wide, and if it were made obligatory upon any person avowedly going there for the purpose of collecting specimens, to obtain a certificate from some one in authority before they go there, it would be a very much safer plan.

Hon. Mr. BOWELL—The suggestion made by the hon. member from York is a good one, and I will allow that clause to stand to see if we could not compel parties who go in there to kill and obtain specimens, to have such certificates with them, and I take it for granted he would have to present it to the guardian, who would also have to be convinced before he would allow the killing of the animals or the taking of the eggs, that the certificates were not bogus. Whether it should be issued by the Secretary of State or the Department of Inland Revenue, or the officers in Manitoba, I do not know. I will consider that matter.

Hon. Mr. POWER—There is this argument in favour of the contention of the hon. member from York. These game guardians would be gentlemen who are not particularly rich in this world's goods, and a man who wanted to violate the law going in would not hesitate to pay $10 or $20 and get permission probably to do what he chose. There is the possibility that bribery might be used; and that clause which you have just passed, clause 20, gives a very arbitrary power to the game guardians to cause a man to be arrested without any warrant. It does not provide that there shall be sufficient cause shown before the game guardian for the arrest. He should have some grounds for it.

Hon. Mr. LOUGHEED—In connection with section 22, I understand that is to be considered; and I would suggest that it be provided that the applicant for such a permit should make a declaration before the game guardian that he is working in the interests of science. I would point out that there will possibly be game guardians in that country who may not have come in contact with the scientific world for some decades of years, and there will be trouble in ascertaining by such a person what constitutes science in this age. The Government should enact a provision compelling the applicant to make a declaration that he was in pursuit of a scientific object and not leave it with the game guardian to determine.

The clause was allowed to stand.

On clause 26,

Hon. Mr. POWER—The suggestion made by the hon. gentleman from Hopewell might come in here, that there might be a subclause added that the Governor in Council should, on being satisfied that the close season should be altered, have power to make the change.

Hon. Mr. BOWELL—I will note that.

Hon. Mr. McDONALD (C.B.), from the committee, reported progress, and asked leave to sit again.

## THE FILMAN DIVORCE BILL.

### REPORT ADOPTED.

Hon. Mr. GOWAN moved the adoption of the report of the Standing Committee on Divorce in *re* Filman Relief Bill. He said: There are no special circumstances in this case. The unfortunate woman deserted her husband, and committed adultery with the hired man, and the committee unanimously recommend the passing of the bill.

The report was adopted, and the bill was read the third time and passed.

## INDIAN ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (CC) "An Act further to amend the Indian Act." He said: Section 1 of the bill repeals section 20 of the Act and substitutes a new section, the object of which is to extend the liberty of Indians in devising their property, and to provide a

more complete law of devolution. Under the present law an Indian cannot devise either his real or personal property to other than a relative not farther removed than a second cousin and entitled to reside upon the reserve, and the will must be consented to by the band and approved by the Superintendent General. It is considered that an Indian should have the same rights as a white man in the devising of property, except land on a reserve : and therefore it is provided in the proposed bill that an Indian may bequeath his property of any kind in the same manner as other persons, except that no devise is to be made of land in a reserve or interest therein to any one not entitled to reside on such reserve. Objection was made by leading Indians to the provision in the present law requiring the consent of the band to a will. It was pointed out that no good purpose was served by the provision, and that it put a power in the hands of Indian councillors which could be greatly abused. The objection was well-grounded, for an Indian might make a very wise and strictly legal division of his property, and from some personal pique or interested motive a chief might succeed in having the required consent of the band withheld, and thus render the will void. The proposed law does not, therefore, provide for the will being submitted to the Indian band or council, but simply that it should be approved by the Superintendent General. As the law at present stands, if the Superintendent General did not wish to approve of any particular part of the will, he had to disapprove of the whole ; but under the proposed law he may approve of a will generally and disallow any disposition made of land in a reserve or of any interest in such land. The main reason for providing that the will must be approved by the Superintendent General is to guard against land in a reserve being alienated, and to enable the department to keep track of the holdings in reserves. Subsection 1 of section 20 provides for the devising of property by Indians. Subsection 2 provides for the descent of property on the lines of the Ontario law. It is to take the place of subsection 4 of section 20 of the Act, which has been found to make very inadequate provision. It provides for the third of the property going to the widow, and the remainder going to the children in equal shares, but says nothing as to what is to be done with the third of the estate if there be no widow, or if the widow is not competent under the law to receive her portion ; and under it grandchildren are cut off. The proposed law supplies these defects. The law as it stands provides that the widow, in order to be entitled to her share, must have been living with her husband at the time of his death. This is considered a very unfair provision, as a woman who would have been fully justified in leaving her husband, would be debarred from receiving her share of his property under it ; and therefore in the proposed law it is simply stated that she must be a woman of good moral character. It is also made clear in the proposed law that the property which the widow may be given the right of occupying during her widowhood is only property on the reserve, and that property held by an Indian off the reserve, either real or personal, will devolve in the same manner as if the Indian were a white man. Subsection 3 of the proposed section 20 takes the place of subsection 5. Under the law as it stands, a widow must have been living with her husband at the time of his death in order to entitle her to the administration of his property. This is considered unfair, as a woman might, with good reason, not be living with her husband, and sufficient safeguard is afforded by the stipulation that she must be of good moral character. The only difference between the present and the proposed law is that the Superintendent General's approval is made necessary for the conveyance of the children's part of an estate to them when they pass from under the guardianship of their mother. This is to enable the department to keep track of an Indian's estate and of the disposition of land in reserve. Under the proposed law the right to share in the estate of an intestate Indian who leaves neither widow nor issue is restricted to his brothers, sisters and parents. Under the present devolution it extends to cousins, but as Indians use the term cousin in a very broad sense, it is found difficult, if not impossible, to clearly trace the relationship. It is open to question whether the law as it stands applies to women. To remove all doubt, provision is made to cover that point by subsection 5. Subsection 6 is the same in effect as the present subsection 7. Subsection 7 is the same as the present subsection 8. Subsection 8 is to replace the present subsection 9. Under the law as it stands, the Superin-

tendent General is empowered to decide all questions respecting the distribution of an estate among those entitled, but it is not at all clear that he is empowered to decide who are entitled. The latter power is essential to the proper exercise of the former, and therefore it is expressly given to the Superintendent General in the proposed law. It is not clear under the law as it stands whether Indian wills can be entered for probate, although there are instances of wills having been so entered. It is thought that those interested in the estate of an Indian should have the option of obtaining probate. There are many wealthy Indians, and it is felt that the heirs of such Indians should have the security afforded by the courts in the different provinces clothed with power to enforce the carrying out of the provisions of wills, and the due administration of estates, the department not having machinery to provide efficiently for the administration of large estates. The object for providing that the consent of the Superintendent General must be had to the applying for probate is to prevent unimportant cases being subjected to an expensive system and to enable the department to keep track of such wills as go to probate. Section 2 of the bill substitutes a new section for section 21. The present law prohibits the occupying of any part of a reserve, but a trespasser does not become liable to a penalty until he returns after being notified to remove. Under the proposed section 21, every one who uses any part of a reserve without authority becomes liable to fine or imprisonment. It is found that the law as it stands is not effective in preventing the temporary use of part of a reserve. Indians and other persons come on a reserve quite prepared to leave when notified, but before being notified, they can do much harm, particularly in the west. Section 3 of the bill substitutes a new section for section 38 of the Act. Under the law as it stands, the department must obtain a surrender from a band before leasing, for the benefit of Indian children, if they happen to have guardians, land to which they are entitled and which they are unable to utilize. Nor can it without a surrender lease for the benefit of Indians engaged in occupations which preclude them from working the same, land to which they are entitled, unless the occupations come under the head of teaching school, practising one of the learned professions or engaging in a trade. It is not considered fair that a band should have it in its power to debar orphan children with guardians from deriving the benefit which they could derive without consulting the band from land to which they are entitled if they had not happened to have guardians. Nor is it considered fair to draw a line between the non-agricultural occupations which entitle Indians to have their lands leased for them without the consent of the band. The proposed law wipes out these objectionable distinctions. It also provides for land to which neglected children are entitled being leased for them without a surrender, as it is considered but fair that such children should have the same rights in the matter as orphans. Section 4 of the bill substitutes a new section for section 72. A case of peculiar hardship came under the notice of the department and led to the change embodied in the proposed section. An Indian, by his cruel treatment of his wife forced her to leave him. He was just as guilty, if not more guilty, than if he had deserted her; but under the law as it stands he could not, as in a case of desertion, be punished by having his interest money, etc., cut off and applied to his wife. The law has been changed so as to meet such cases. The amendment proposed to be made by section 5 of the bill to section 75 of the Act is necessitated by the fact that when a chief is now deposed under that section he can present himself as a candidate at the election to fill the vacancy caused by his deposition. A case in point occurred recently. An Indian leading a scandalous life was elected chief. Evidence was submitted and the department was asked to have him deposed. Immediately on his deposition he was re-elected. Similar complaints are now before the department against him, and they are only too well founded; but as the law stands he can be again immediately re-elected if we dispose him, so that deposition becomes almost a farce. The following amendment, therefore, proposes to put it in the power of the Governor in Council to disqualify for a term a chief who has to be deposed for misconduct. Section 6 of the bill adds a subsection to section 94 of the Act, the object of which is to give a broader application to that section which makes it an offence to give or sell liquor to an Indian. The meaning of "Indian" as defined by the interpretation clause of the Act is so restricted

as to leave a broad way of escape, especially in the west, to parties who are guilty of selling liquor to men and women who are to all intents and purposes Indians, but who cannot be held to be "Indians" in the restricted sense given to the word for the purposes of the Indian Act. Section 7 of the bill substitutes a new section for section 99 of the Act. The first four lines of section 99 of the Act are considered superfluous. Under section 98 no order could be recognized except that of a clergyman or physician, and even then the burden of proof is on the accused. The latter part of the section makes it an offence punishable with fine or imprisonment for one found drunk or gambling in an Indian village or settlement after sunset to return after being notified to leave. This enactment has been found ineffective. It often happens that white men go on reserves on occasions of public gatherings with a bottle of whisky which they retail to the Indians. Then Indians and others come to gamble or have a spree. Notification to go off is of very little effect. What the agents require in order to effectively act in such cases is to be able to cause the immediate arrest of such parties. It is not expected that there will be many occasions of putting the proposed law in force, but it is believed that its enactment and promulgation will have a good effect. Section 8 of the bill substitutes a new section for section 117 of the Act. Subsection 1 of the proposed section is designed to give agents the powers which they had under the law as it stands, before the enactment of the Criminal Code. The part of the Code mentioned takes the place of the "Act respecting offences against public morals and public convenience," and the sections of the Code mentioned are sections which formed part of the Indian Act. Under the law as it stands, an Indian agent has magisterial jurisdiction which is practically unlimited as to territory. But in a case which arose, it was held by the court that agents should have more clearly defined jurisdiction as justices of the peace. The department has therefore adopted the practice of defining in the appointments of agents the territory over which they may exercise such jurisdiction, but it is always necessary to give an agent a much more extended jurisdiction as a justice than as an agent; and the wording of the latter part of subsection 1 is designed to make it clear that the two jurisdictions are not coterminous. A jurisdiction covering the counties adjacent to a reserve is found sufficient in old Canada; but so restricted a jurisdiction has been found to hamper agents in the west in their efforts to enforce law and order. Subsection 2 is therefore designed to remove the hampering restrictions. Section 9 of the bill substitutes a new section for section 132 of the Act. Originally every section under which a fine was imposable provided that it should be funded for the benefit of the Indians; but in amending the law from time to time this provision was frequently omitted. It has, therefore, been thought well to have such a general provision as is made in the first part of the proposed section. That part of the proposed section which permits the payment of fines to provincial or municipal authorities is the same in effect as the present section. The additional provisions contained in the last two lines of the proposed section is necessary in order to enable the department to act in cases of doubt which sometimes arise as to the band entitled to a fine. Though it was not intended to have that effect, section 134 of the Act has been held to prohibit the directors of industrial schools from selling to the Indians articles manufactured in the schools, and from procuring supplies from them. Serious inconvenience and loss is consequently caused the schools, and the department has been appealed to for relief. The amendment proposed to be made by section 10 of the bill is designed to remove all occasion of complaint by putting it in the power of the Superintendent General to grant licenses to trade to the classes prohibited from trading with Indians under subsection 1 of section 134. Section 11 of the bill adds three new sections to the Act, viz., 137, 138 and 139. Sections 137 and 138 are designed to give power to the Governor in Council to make regulations with a view to a more general extension of the benefits of education among the Indians. The former provides for the making of regulations by the Governor in Council for the compulsory attendance of Indian children at school as ordinary day pupils; and the latter for the committal to industrial schools of Indian children who by reason of neglect, are growing up in ignorance, and are deprived of the advantages of proper home surroundings. As it is not considered that all In-

dians of Canada are in a position to admit of such regulations as are contemplated by these sections being generally applied it is thought better to provide for their being made by Order in Council as occasion demands, rather than by an Act of Parliament. There is no reason why regulations similar to the laws of some of the provinces respecting compulsory education and the care of neglected white children should not with great advantage be applied to very many Indian bands. At present it is found very difficult to secure the regular attendance of children at day school on reserves on account of the carelessness of parents and their lack of interest in education. Great difficulty too is often experienced in keeping children in industrial schools. Just as a child is in a fair way of acquiring a trade and being equipped as a self-supporting citizen the parents may come and demand him, and the directors of the school have no authority to ignore the demand, though they be well aware that the parents will undo whatever good has been done. Section 139 is intended to remove doubt as to whether the capital moneys, or part thereof, at the credit of a band can be expended even with the consent of the band and the authority of the Governor in Council. The department has with such consent and authority been expending capital for works of a permanent nature; but the point, it appears from the records of the departmant, was taken in Council that the Governor in Council had no legal authority for sanctioning such payments. Provision has been made to cover this point. As the House knows, all the Indian tribes are treated as wards by the Government, and it has been found necessary, after a long experience, that the Act should be amended in order to give more liberty to certain classes of Indians and to preserve to the fullest possible extent their property in the reserves and make provision for the better training of their children, and, so far as possible, to repress the immorality of the grown up people.

Hon. Mr. KAULBACH—Do I understand my hon. friend to say that no Indian will shall be valid unless the Superintendent General shall assent to it?

Hon. Mr. BOWELL—No will is valid under the law as it now exists unless it is approved by the Indian council and by the Superintendent General; but if the Superintendent General had objections to any portion of the will he would have to reject the whole.

Hon. Mr. LOUGHEED—The bill implies that the Indian, when he dies, leaves only one widow. The Indians in my part of the country are unselfish and leave several.

Hon. Mr. KAULBACH—Can an Indian devise or bequeath any property or land outside of the reserve?

Hon. Mr. BOWELL—The intention is to allow an Indian, who owns property outside of the reserve, to dispose of it as he thinks proper without the permission of anybody, but the land within the reserve he cannot devise otherwise than as provided by law.

The motion was agreed to and the bill was read the second time.

## BILLS INTRODUCED.

Bill (50) "An Act to authorize the purchase of the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company, Limited, and to change the name of the latter company to the Dominion Atlantic Railway Company."—(Mr. Power.)

Bill (40) "An Act to incorporate the Elgin and Havelock Railway Company."—(Mr. Dever.)

Bill (39) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. Landry.)

Bill (47) "An Act to revive and amend the Act to incorporate the Brandon and South-western Railway Company."—(Mr. Lougheed.)

Bill (48) "An Act respecting the Montreal and Ottawa Railway Company."—(Mr. MacInnes, Burlington.)

Bill (52) "An Act respecting the Winnipeg and Hudson Bay Railway Company, and to change the name thereof to the Winnipeg and Great Northern Railway Company."—(Mr. Sutherland.)

Bill (41) "An Act to incorporate the St. Clair and Erie Ship Canal Company."—(Mr. Vidal.)

The Senate adjourned at 6.10 p.m.

## THE SENATE.

*Ottawa, Thursday, 10th May, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE COMMISSION ON PROHIBITION.

INQUIRY.

Hon. Mr. McCLELAN—Before the Orders of the Day are called I should like to know whether the report of the Royal Commission, appointed some two years ago to inquire into matters pertaining to prohibitory legislation, has been made to the Government, and if so when we may expect to have it.

Hon. Mr. BOWELL—There has been a partial report, I believe, but I am not able to answer the hon. gentleman as fully as I should like to do. If he will kindly put the question to-morrow I hope to be able to give a more definite reply.

## THE COMMUTATION OF THE DEATH SENTENCE IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. McINNES (B.C.)—I would remind the leader of the Government in this House of the order that was issued a month ago for a return of all communications in respect to the commutation of the death sentence of two Indians in British Columbia. I should like to know when the return will be brought down. I reminded the leader of the Government some 10 or 12 days ago that I had not yet received it, and I have heard nothing more on the subject since.

Hon. Mr. ANGERS—I have made inquiries and can only say that the return will be brought down as soon as it is finished. It has not been given to me yet to be laid on the table. The return is being prepared in the Departments of the Secretary of State and Justice. The reply to my inquiry was that they would prepare the return.

Hon. Mr. McINNES (B.C.)—It cannot be a very voluminous return.

## THIRD READING.

Bill (V) "An Act further to amend the Insurance Act."—(Mr. Angers.)

## TRIAL OF YOUTHFUL OFFENDERS BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Y) "An Act respecting the arrest, trial and imprisonment of Youthful Offenders."

(In the Committee.)

On the first clause,

Hon. Mr. ALLAN—At the suggestion of the Minister of Agriculture, I propose to amend this clause so as to make the age correspond with that mentioned in the section of the Criminal Code which is to be amended by this bill. I move that the word "sixteen" be substituted for the word "seventeen" in the clause.

The amendment was agreed to and clause as amended was adopted.

On the second clause,

Hon. Mr. POWER—With respect to the latter portion of the clause, there might be some modification of the language. In a great many places there is only the one building in which persons about to undergo trial can be confined, and I think that these last lines go too far. As long as the juvenile accused is kept in custody separate from older persons and all persons undergoing sentence of imprisonment, that is sufficient. I do not think we should undertake to impose on the municipalities the expense of putting up separate buildings for juvenile offenders.

Hon. Mr. ALLAN—With regard to that I should have no objection myself that the clause should read "and shall not be confined in the lock-ups or police cells used for older persons," but what I want is this: that if the House concurs in the provisions of this bill and it subsequently passes the Commons and becomes law, it really shall be carried out honestly and bona fide. I should be sorry, indeed, if this legislation should end in the letter of the law only being complied with while the spirit of the law is set aside altogether. My object is that these young offenders shall be kept entirely separate and shall not come in contact with older criminals or have the opportunity of conversing with them, or being in their com-

pany in any way, and if it is thought there will be such very great difficulty in providing separate buildings as places of confinement for them, I have no objection to have that word "stations" altered to "police cells."

Hon. Mr. VIDAL—I would suggest that the taking out of the words "used for" and substituting the word "with" would meet the case.

Hon. Mr. ALLAN—Yes, that would be better and will answer my purpose as well of keeping juvenile offenders separate.

Hon. Mr. POWER—In the 35th line the word "for" should be struck out and "with" substituted.

The clause as amended was adopted.

On the 4th clause,

Hon. Mr. ALLAN—This clause deals with another class, children of a tender age, that is, boys under 12 and girls under 13. I may explain that the reason why this clause and the subsequent ones in the subsection are made to apply only to Ontario is that at present it is only in Ontario that the machinery exists now for carrying out these clauses. I hope that we may see these children aid societies duly organized and appointed under the Lieutenant Governors of the different provinces. I am quite sure that the experience of the enormous amount of good that in a very short time the children's aid societies in Ontario have effected, will be sufficient inducement for our friends in the other provinces to establish the same organizations, but at present it is only in Ontario that the necessary machinery exists for carrying out the provisions of these clauses.

Hon. Mr. DRUMMOND—My hon. friend is mistaken. In Montreal we have a society for the protection of women and children which has the same object exactly and will cover that ground, I do not see that it should be confined to the province of Ontario, but it might not be applicable to other parts of the country where there is not the requisite machinery.

Hon. Mr. ALLAN—I may answer hon. gentlemen as to that. I am glad to hear that there is such a society in Montreal, but I ought to explain that it is under a special Act of the Ontario Legislature, called "An Act for the protection of Children," that the necessary machinery is given for making use of these children's aid societies, and that is the reason why, for the present, I have made it apply only to Ontario. I move that in line 9 the word "shall" be substituted for "may."

The clause, as amended, was adopted.

On sub-clause (*a*),

Hon. Mr. ALLAN—I desire to add to sub-clause (*a*) "or place the child out in some approved foster home." I may explain that one of the best features of the Children's Aid Society in Ontario is the authority given to the officer of the aid society to place out children committed to their charge in certain foster homes, so that the family tie, and the wholesome influences that go with it, shall not be broken in the same way as when you place a child in some charitable institution, where it is only one of fifty or sixty others, and where the influences of a home are all lost. I think that is one of the very best features in that Act, and I desire, therefore, to give power not only to bind out the child to any one until it becomes of that age, but also, if it is thought desirable, to place it in an approved foster home.

Hon. Mr. SANFORD—As to sub-clause (*b*), power is given to bind the child out till it attains the age of 21. I would ask the hon. mover of this bill if that is not too long. In the Home with which I have been associated for the last fifteen years, we found that in the case of girls the period of 17 or 18 years was probably the outside, and of boys the age of 19. You cannot hold a lad very well after he has attained the age of 21 years if he has average energy and ability. He will be desirous of striking out for himself before that time.

Hon. Mr. ALLAN—The hon. gentleman will observe that it is not compulsory that he should be bound out for that term. It can be done for any less age. In the great majority of cases the children will be placed in foster homes, very much I think to the child's advantage, and I should not like to have the clause imperative that a child should be bound out till he is 21 years of age. The clause leaves it in such a way

that the child can be bound out for any less period. Twenty-one years is the extreme limit.

The clause was adopted.

Hon. Mr. LOUGHEED, from the committee, reported the bill with amendments which were concurred in.

## THE DILLON DIVORCE CASE.

CONSIDERATION OF REPORTS POSTPONED.

The Order of the Day being read,

Consideration of the fourteenth report of the Standing Committee on Divorce *re* Dillon Relief Bill.

Hon. Mr. GOWAN said: I find for some unaccountable reason the evidence was not distributed until late last night. Under these circumstances, I could not ask hon. gentlemen to pass on this case, especially as it involves questions of a large character that may affect other cases similarly circumstanced. There is good cause to complain (and I hope the hon. leader of this House will note what I say) of the gross delay that has occurred. I took a great deal of trouble to have the papers prepared and sent off as rapidly as possible to the printers. The proofs in this case were sent to the printer on Monday last, and one would have thought there was ample time to distribute the printed copies of the evidence the same night or the following day. I move that the Order of the Day be discharged and that this report be taken into consideration on Tuesday next.

The motion was agreed to.

The Order of the Day being read,

Consideration of the minority report of the Standing Committee on Divorce in *re* Dillon Relief Bill.

Hon. Mr. KAULBACH moved that the Order of the Day be discharged and that the consideration of the report be fixed for Tuesday next. He said: I presume by Tuesday next the two items can be taken up as the one report.

Hon. Mr. BELLEROSE—I was surprised to see that those two reports formed two Orders of the Day. They are one and the same thing. They may differ in the conclusions arrived at, but they are on the same subject, so I should think that they should be considered together. Otherwise the objection may be raised that if we refer to the minority report we allude to another item and that it is not the proper time to do so. The two reports cannot be discussed unless they are taken up together. I hope it will be understood that the two items will come up together for discussion.

Hon. Mr. KAULBACH—Would it not be better to suggest that it be made the first Order of the Day? (Cries of No, no.) It is very likely to take up the whole afternoon.

The motion was agreed to.

## SECOND READING.

Bill (32) "An Act respecting the Niagara Grand Island Bridge Company."

## WINDSOR AND ANNAPOLIS RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of the Bill (50) "An Act to authorize the purchase of the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company, Limited, and to change the name of the latter Company to the Dominion Atlantic Railway Company." He said: The Windsor and Annapolis Railway Company own the line from Windsor to Annapolis in the province of Nova Scotia, and they operate the line from Windsor to Halifax; so that they operate a railway from Halifax to Annapolis. The Yarmouth and Annapolis Railway extends from Annapolis to Yarmouth, and arrangements have been made between the two companies for the purchase of the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company which will then operate the whole line from Halifax to Yarmouth. This bill is to legalize the sale.

The motion was agreed to and the bill was read the second time.

## TRADE COMBINES BILL.

SECOND READING.

Hon. Mr. READ (Quinté) moved the second reading of Bill (AA) "An Act to

amend the law relating to conspiracies and combinations formed in restraint of trade." He said: This is no new bill in this House, and I rise with a good deal of diffidence to approach the subject, feeling as I do that there are a number of gentlemen in this House who have discussed this matter twice already. I know there are some hon. members who never heard it discussed in the Senate, and as I believe it is a bill which is demanded by the country, I have taken the liberty of introducing it, and I must claim your indulgence for a short time while I try to make out a case. No doubt every one in this House is aware that in 1888 a committee was appointed by the House of Commons to take evidence upon the question of combines. That committee sat for a great part of the session and introduced a bill which did not get as far as this House that year. In 1889 a bill was introduced in the House of Commons, passed through all its stages without a division and was sent to the Senate where it was amended—impaired, I should say, in my opinion. The House of Commons believing that such a bill was necessary passed the same bill the next session without a division and it was sent to this House where it received the same consideration and was impaired as the bill of the former session had been. I do not think that any action of this House has brought so much discredit and severe comment on the Senate as the amendment of the Combines Bill. Wherever you went you met with this charge against the Senate. This House has done a great deal of good work—more good work than the people of the country generally believe. Its deliberations are quiet and orderly and to the point. They do not have to speak to the country, because newspaper reporters are not here to take down the debates and when they do make reports of our proceedings, their criticisms upon it are very severe. Only a day or two ago I saw in a Toronto paper that Mr. Eddy, a gentleman living in Hull, was to be appointed to the Senate. The paper said if it was any honour to receive the appointment that he was as good a man to have it as any.

Hon. Mr. ALMON—I think it was a Tory paper that said that.

Hon. Mr. READ—I do not know whether it was or not, but I saw it in a paper. We do not find a Tory paper even giving us a good word. The criticisms seem to me to be so severe that this House should be very careful what they do. It is well to let the country know what the Senate is doing. I have tabulated some of its proceedings for quite a length of time. It will not take long to read it and it will appear in our Debates if it goes no further. I will read a list of Government bills introduced and amended in the Senate for a number of years.

Hon. Mr. POIRIER—And impaired.

Hon. Mr. READ—I do not say impaired. I say the Senate has done good work, but we may make mistakes. When this bill that I am talking about was under discussion, the argument was used, try it and if it does not work well we can amend it. We have had five years' trial of the Combines Act and the best lawyers in the country will tell you that they cannot advise their clients to bring an action under it. One eminent lawyer, who appears before the Senate Committees every day, says: "I cannot advise a client to bring an action under the Combines Act." That is sufficient reason for me to introduce this bill to amend the Act. As I have said, I thought it well to prepare a statement of the government bills which have been amended in this House and have been accepted as amended by the House of Commons. The statement is as follows:—

GOVERNMENT BILLS INTRODUCED AND AMENDED IN THE SENATE.

1867-68.

1. Agriculture Department Bill.
2. Alien Laws Bill.
3. Canadian Waters Navigation Bill.
4. Oaths of Office Bill.
5. Copyright Bill.
6. Department of Justice Bill.
7. Evidence in Canada Bill.
8. Incorporated Companies Bill.
9. Marine and Fisheries Department Bill.
10. Oaths to Witnesses Bill.
11. Officers' Security Bill.
12. Patents of Invention Bill.
13. Postal Service Bill.
14. Quarantine Bill.
15. Trade-Marks Bill.

1869.

1. Animals Contagious Diseases Bill.
2. Cruelty to Animals Bill.
3. Dominion Bank Bill.

4. Joint Stock Companies Bill
5. Letters Patent Bill.
6. Justices of the Peace Bill.
7. Summary Convictions Bill.
8. Juvenile Offenders Bill.
9. Patents of Invention Bill.
10. Peace Preservation Bill.
11. Registration of Vessels Bill.
12. Shipwrecks Investigation Bill.
13. Steamboat Inspection Bill.
14. Vagrants Bill.

1870.

1. Bills of Exchange Bill.
2. Coasting Trade Bill.
3. Lighthouses Bill.
4. Masters and Mates Bill.
5. Secretary of State Department Bill.

1871.

1. Fishing by Foreign Vessels Bill.
2. North-west Territories Government Bill.
3. Quebec Trinity House Officers Bill.
4. Railway Companies Exemption Bill.

1872.

1. Copyrights Amendment Bill.
2. Public Lands Bill.
3. Quarantine Bill.
5. Statutes of Canada Bill.

1873.

1. Aliens in British Columbia, and Manitoba Bill.
2. Criminal Procedure Amendment Bill.
3. Department of the Interior Bill.
4. Dominion Lands Act Bill.
5. Manitoba Claims to Land Bill.

1874.

None.

1875.

1. Copyrights Bill.
2. Interpretation Act Bill.
3. Defective Letters Patent Bill.

1876.

1. Common Carriers Liability Bill.

Thrown out.

1877.

No Government Bills seem to have been introduced in the Senate this year.

1878.

1. Liquor Traffic Regulation Bill.

This appears to have been the only Act introduced by the Government in the Senate.

1879.

1. Banking Laws Amendment Bill.
2. Census Bill.

1880.

1. Dominion Lands Act Amendment Bill.
2. Dominion Lands Act Extension Bill.
3. Indian Laws Consolidated Bill.
4. Militia Laws Amendment Bill.
5. Savings Bank Bill.
6. Temperance Act Amendment Bill.

1880-81.

1. Consolidated Railway Act Amendment Bill.
2. Government Railway Laws Consolidation Bill
3. Indian Act Amendment Bill.
4. Inland Revenue Amendment Bill.
5. Manitoba Boundaries Extension Bill.
6. Naturalization and Aliens Bill.
7. Patent Laws Amendment Bill.
8. Petroleum Inspection Bill.
9. Prize-fighting Bill.

1882.

1. Bridges over Navigable Waters Bill.
2. Criminal Justice in Territories Bill.
3. Harbour and River Police Bill.
4. Insolvent Banks, &c., Bill.
5. Petroleum Inspection, &c., Bill.
6. Seamen's Court Judges Bill.
7. County Court Judges Bill.

1883.

1. Bills of Exchange in P. E. I. Bill.
2. Booms in Navigable Waters Bill.
3. Civil Service Bill.
4. Lotteries Act Bill.
5. Penitentiary Laws Bill.
6. Superannuation Bill.

1884.

1. Disputed Territory Bill.
2. Dominion Lands Act Bill.
3. Insolvent Banks Bill.
4. Manitoba Lands Bill.
5. North-west Territories Act Bill.
6. Prisoners Transfer Bill.
7. Temperance Act, 1878, Bill.

1885.

1. Adulteration of Food Bill.
2. Canned Goods Bill.
3. North-west Territories Justice Bill.
4. Offences against the Person Bill.
5. Preservation of Peace Bill.
6. Real Property in the North-west Territories Bill.

1886.

1. Interpretation Act Amendment Bill.

1887.

None.

1888.

1. Submarine Telegraph Cables Bill.

1889.

1. Dominion Lands Bill.
2. Expropriation of Lands Bill.
3. Interest Act Amendment Bill.
4. North-west Mounted Police Bill.
5. Summary Convictions Bill.

1890.

1. Agricultural Fertilizers Bill.
2. Geological Survey Bill.
3. General Inspection Act Amendment Bill.
4. Indian Act Amendment Bill.
5. Interest Act Amendment Bill.
6. North-west Territories Amendment Bill.
7. Pilotage Act Amendment Bill.
8. Railways Bill.
9. Savings Bank in Quebec, Bill.
10. Steamboat Inspection Bill.

1891.

1. Bills of Exchange, &c., Bill.
2. Frauds upon Government Bill.
3. Settlements of Accounts Bills.
4. Indian Lands Act Bill.

1892.

1. General Inspection Amendment Bill.
2. Grants of Land Bill.
3. Winding-up Act Amendment Bill.

1893.

1. Canned Goods Act Bill.
2. General Inspection Amendment Act Bill.
3. Holidays Amendment Act Bill.
4. Joint Stock Companies, &c., Bill.
5. Railway Act Amendment Bill.
6. Speaker of Senate Act.

It appears when the Liberals were in power they had not so many bills to amend.

Hon. Mr. POWER—It was because they were so good.

Hon. Mr. ALMON—Perhaps they were past curing.

Hon. Mr. READ—Then I have got a list of the private bills sent up from the House of Commons and amended in the Senate and the amendments to which were accepted by the House of Commons. It is as follows:

BILLS brought up from the House of Commons and amended in the Senate. The amendments having been accepted by the House of Commons:

| *Year.* | *No. of Bills.* |
|---|---|
| 1867-68 | 14 |
| 1869 | 15 |
| 1870 | 8 |
| 1871 | 9 |
| 1872 | 29 |
| 1873 | 22 |
| 1874 | 29 |
| 1875 | 34 |
| 1876 | 17 |
| 1877 | 40 |
| 1878 | 17 |
| 1879 | 28 |
| 1880 | 24 |
| 1880-81 | 9 |
| 1882 | 44 |
| 1883 | 28 |
| 1884 | 50 |
| 1885 | 23 |
| 1886 | 37 |
| 1887 | 36 |
| 1888 | 29 |
| 1889 | 26 |
| 1890 | 26 |
| 1891 | 23 |
| 1892 | 13 |
| 1893 | 21 |

There is quite an array of business that has been transacted by this House and no doubt most of it very well done. Consequently, the Senate is doing an important work—there is no doubt about it, but the press, as I said before, criticise it very severely. I will mention some important matters in the recollection of hon. gentlemen here. This House has interfered materially with Government bills. I remember the bill respecting the Nanaimo and Esquimalt Railway, which the Senate in its wisdom threw out.

Hon. Mr. SCOTT—And passed afterwards.

Hon. Mr. READ—Yes, a long time afterwards, and under very different conditions. Another Government bill which the Senate rejected was that relating to the Short Line Railway. We did get a little credit in the country for that. It is supposed generally that the Government controls this House. I very much doubt it, because the members of the Senate are independent. That Short Line would have cost this country, the Government said, two or three millions of dollars. We know what that means—it means something more like four millions of dollars. We threw out that Government measure, and that occurred only four or five years ago. As I have said, we got a little credit from the press for that. Events have proved that we were right, because the Government never thought proper to introduce it in this chamber again. In the interest of the country I want this bill amended. I believe from all that I can gather that there are combines which are detrimental to the best interests of the country—combines affecting materially the country's progress. One of them to which I will call attention is what is described in the circular as a combine of the steamboat companies in Montreal in the carrying of cattle to Europe. We have only to look back for a few years to see how the country has grown and if this circular is correct it is necessary that we should try to remedy a growing evil. This cattle trade, like the cheese trade within the last few years, has grown very much. In 1877 we only exported 6,000 cattle. A very few years later we exported 120,000 head of cattle. Now with the sort of cattle we ship to Europe, valued at from $60 to $80 each, we are dealing with a trade the future proportions of which we can hardly estimate. However, the export has been decreasing during the last three or four years, and it is down now to about 80,000 head. I do not say that it is all the fault of the shippers or the ship-

owners. We know that the scheduling of cattle in England has had a serious effect on the trade. There is one matter, perhaps, which would escape the notice of some hon. gentlemen—the scheduling of cattle prevents a certain class of being sent at all, that is milch cows. We will admit that perhaps we send away the goose that lays the golden egg, but when people are offered $50 or $60 for a good cow they are inclined to take the money and look pleasant. That class of cattle when they are scheduled cannot be sent at all because they are of no use. This circular to which I have referred says that $75,000,000 have been brought to this country through that cattle export trade. What does the circular say? It says:

> As a rule shippers do not know the rates they are to pay until the cattle have been purchased, brought to Montreal and loaded and the vessel is ready to sail. In some cases the rate is fixed after the ship has sailed and the cattle on board. In securing space shippers at times have to agree to pay whatever are the going rates. This means whatever the agents of the vessel owners combine upon when the shippers are in their power.

Now there would be none of this if they had free handling. It is true that a tramp vessel may get cattle, but when steamship companies can meet as quickly as a telephone will bring them together at a certain point and agree on the rates of the day it is easily done. Why is the cattle trade treated in this exceptional manner? For butter, cheese and eggs and everything else you get your price, but cattle must go to Montreal. They cannot go any place else, and vessel owners know it.

Hon. Mr. SCOTT—Why not go to Halifax?

Hon. Mr. READ—Well they might go to Halifax at some seasons, but they must go to Montreal, because that is the shipping port. Now why should there not be competition in that trade as well as in anything else? Suppose the vessel owners were to say to the cheese-makers, "We will give you a price the day we get the cheese on board." The cheese-makers would say to them, "We will not do that; we will send it to New York." But we cannot do that with cattle because there is a quarantine of three months. The result is that feeders have been losing money. I do not say it is all the fault of the shippers, but the distillers are only this year feeding 27 per cent of the usual number of cattle. Now the feeding of cattle is one of the profits of the distillers. They get from $4 to $5 for the refuse of each beast they feed, without any expense or trouble to themselves or any outlay.

Hon. Mr. DEVER—Why is it that the distillers in Canada charge $1.10 for the same goods that can be purchased in New York for 50 cents?

Hon. Mr. READ—That is another question which we will have to take up some other time. We cannot go through that now. There is a heavy duty.

Hon. Mr. DEVER—No duty at all.

Hon. Mr. READ—I have the best information that where the distillers formerly fed ten to twelve thousand head, this year they are only feeding 27 per cent of that number; consequently the trade is seriously depressed in that direction. No doubt the low price in England somewhat accounts for it. Another complaint is that there are steamship companies that tell these shippers that they must insure in the company which they name. They do not allow them to take their own risks. If a man has a thousand or five hundred head of cattle, they say to him, "you must insure in the company we name." They do not all say that, but in many cases it is the fact; and these people feel it a grievance which they ask Parliament to remedy. I am proposing a remedy which I think would deter them somewhat, and I do not know of any other remedy that I could suggest. This circular also adds:

> In these and other ways the whole export trade of Canada is now paralysed by one of the hugest combinations in Canada.

Now these are not the men so seriously affected as you would imagine. The man who is affected most is the producer. These men are mostly traders. They are going to ship their cattle upon such terms as will enable them to get out safely, and it is the producer who is suffering in this instance, according to my opinion. It is the duty of Parliament to look into this matter, because a trade that is so enormous in its proportions demands attention. I do not know whether this bill will have that effect, but I think it will.

There is not an individual in Canada who is not interested in these combinations. Look at the insurance companies, how alive they are about this bill. Every man that is insured is interested ; otherwise the companies would not be making quite such a stir about it. They do not want it ; they want this little combination by which they can charge what they please. One of the worst combinations is the undertakers'. If you read their constitution you will see how you are situated. I have a letter from a gentleman, the Rev Mr. Nichols. He was in my room the other day, and I was speaking about the undertakers. "Well," he said, "I could give you a case which came under my notice and which I know about." A man was a member of a benefit society and died. The undertaker was treasurer of that benefit society. The man's wife was entitled to one hundred dollars, and he said he saw the undertaker take $97 of the amount and give the widow the remainder $3. That might be all right, but the poor woman did not get much ; the undertaker got the best of it. A case occurred in Ottawa since we have been here. A poor man died, and his mother, I think it was, was not able to bury him.

Hon. Mr. ALMON—His mother-in-law.

Hon. Mr. READ—Oh no, his mother. She was not able to bury him. Some kind Samaritan took upon himself to collect a little money, and he called upon me for one and I had a little bit of silver in my pocket which I gave. He did not want much ; because the expenses had not been very great. I said "how is that?" He said "I got it done with a very little, and I do not want much of you—half a dollar or a dollar or something." That roused my curiosity and I said "now I will hear about this. How do you manage it?" "Well," he said, "there was a man there that belonged to a burial society in England and he said he was a carpenter, and would make the coffin. He got the material and made the coffin and got some lining for it and went to a hardware store and managed to get something that would do." I cannot do better than to read his letter, which he gave me :—

SIR,—I am glad to see that you have introduced a bill into the Senate to remove the present ambiguity which exists as to what constitutes an actionable conspiracy or combination formed in restraint of trade.

There is one conspiracy—for that is the mildest term that can be applied to it, which is peculiarly oppressive—that of the undertakers. We all know what it is to lose some of our near and dear ones. To lay them in the ground with as much reverence and respect as possible becomes a paramount duty and little is thought of expense—very often most unwisely. This not unnatural feeling has been taken advantage of and it is on record that the undertakers have formed a ring and under its cover ; are extortionate and veritable Shylocks.

Sworn evidence is on the records of the House of Commons that the coffins for which $75 are charged in the bill are only at cost $12.50 each and so all along the line a similar system of imposition goes on.

But there is more than that. The ring is so compact, and the conspiracy so well organized, that no person who does not bow the knee to this gloomy Baal of the grave can purchase what are called "supplies" that is the material required in the manufacture of the coffin.

A case in which this was brought conspicuously under my own notice occurred not long ago. The son of a poor person died, and she was not able to incur the expense of the funeral herself. A carpenter, who had been connected with what are know in England as Burial Guilds—associations I am told very numerous in Church of England parishes—said he would make a coffin on the ecclesiastical pattern he was used to. This differs from the ordinary coffin in some respect, being of an antique style, the sides being straight and tapering towards the feet and the lid coped. In the case I refer to I may mention that the carpenter in question helped to make the plain coffin—almost, he said, similar to the one I refer to—in which the late Duke of Westminster was buried—to the great disgust of the London undertaking fraternity. The cost was very small, merely the wood, some skilful use of saw, plain and hammer, and some hot oil. Then came the fittings and when application was made for a few handles and a plate, the friendly carpenter was told that he would not be permitted to purchase them under any conditions. More than that he was jeered at and his work derided. But being of a determined disposition he simply went to a dry goods store and obtained some cheap material for lining, and at a hardware store picked out some handles which answered all purposes and were quite as handsome as the cheap and nasty gewgaws with which the professional undertaker adorns the coffins sent out with the sanction of the conspiracy.

But this was not all.

No bearer could be obtained. The ring would not permit it. But this did not matter very much as the cemetery was not a great distance from the cottage where the death occurred, and at seven in the morning, kind hands and willing hearts bore the body to the church—the deceased was a Roman Catholic—and thence to the cemetery. Only a few days ago it was taken from the vault and buried. The whole cost amounted to some $16, including the grave. This is a method of getting round the combine, but of course such a case cannot be generally imitated. But surely the opposition to the carpenter who was willing to act as undertaker was a piece of tyranny not to be tolerated in a civilized country. Your bill, as pro-

jected, if it brings the like within striking distance of the law, will be a public benefaction.

At the same time, I may add that if the undertakers' combination continues, it would not be amiss if the various churches organized funeral guilds on the English model. Patterns of the material needed could be obtained and the rest would be easy. I note that "Funeral reform" is one of the questions of the day in the mother land, and that simplicity and absence of ostentation is being made the general practice.

I had a little experience myself this winter. A lad of about twelve died and the family thought they had some claim on me, or I had assisted them, because while they were being assisted by the corporation and other charitable people, the father was sick and an invalid, and the family were all sickly. I was coming out of church, and the brother-in-law met me and said: "Willie died last night." "Well," I said, "I did not expect he would live when I was there a few days ago." "Well," he said, "What are we going to do about burying?" I said, "I do not know. What have you done?" He said, "I have been all around and cannot get him taken to the morgue for less than $25." "Well," I said, "that is a very extravagant price; cannot you do better than that?" He said, "No, they say that is the lowest price, they will take no less." I said, "How can they make it that much?" He said, "Well, its $5 for laying him out." I said, "You can lay him out yourself." "Oh, well," he said, "they charge that anyway." I do not know whether that amount was paid, but that was what he said to me. These, amongst other things, show the necessity of something being enacted as a sort of intimidation, and when we are told that under the law, as amended in this House, the best lawyers in the country will not advise their clients to bring an action, is it not our duty to amend the Act? We have impaired it. The House of Commons in its wisdom has twice passed the Act without division, and they certainly know what the feeling of the country is. I only ask you to strike out two or three words from the Act: it is a very little thing to do. It will restore the Act to the condition in which it passed the House of Commons and will be satisfactory to the country, and the House will get credit for the legislation.

Hon. Mr. ALMON—The arguments of the hon. gentleman are so strong against burial that I think in future all bodies should be cremated.

The motion was agreed to and the bill read the second time.

## PRESERVATION OF GAME IN NORTH-WEST TERRITORIES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, the consideration of Bill (Z) "An Act for the preservation of game in certain parts of the North-west Territories of Canada."

(In the Committee.)

Hon. Mr. BOWELL—When the bill was last before the committee we changed the title of it, at the suggestion of the hon. member from Halifax, to read "The Territories Game Preservation Act." I find that this name would conflict with a measure of a similar character passed by the North-west Council. I would therefore suggest that it be called "The Unorganized Territories Game Preservation Act."

Hon. Mr. POWER—I think this is a decided improvement upon the name that I suggested.

The clause was amended accordingly and adopted.

On the 15th clause,

Hon. Mr. BOWELL—This clause was allowed to stand on account of ambiguity in the wording. I move that the 15th clause be struck out and that the following be substituted therefor, to form clause 12 of the bill:

Any one who shall enter into any contract or agreement with or employ any Indian or other person whether such Indian or person is an inhabitant of the country to which this Act applies or not, to hunt, kill or take, contrary to the provisions of this Act, any of the beasts or birds mentioned in this Act, or to take contrary to such provisions any eggs, &c.

Hon. Mr. POWER—The clause as now presented to the committee is better than before, but there is still some little question about it, because the penalty is imposed if you employ the Indian to do this contrary to the provisions of the

Act. Under clause 8 it is not contrary to the provisions of the Act for an Indian to do these things.

Hon. Mr. BOWELL—A close reading of the bill will show that a person who employs an Indian to do anything of the kind is as guilty as if he had done it himself. I drew attention to that very point, and it was thought that this new clause met the objection.

The amendment was agreed to.

On clause five,

Hon. Mr. BOWELL—I have prepared a special clause which will give the Governor in Council a right by Order in Council to change the different dates for the close season. It has been suggested further, and it is worthy of consideration, that this law being placed on the Statute-book and being the only source of information for the people of that country, it would be inexpedient to give the Governor in Council power to change any of these dates lest the parties having the Act in their possession might not obtain the Order in Council changing the dates, and therefore might unwittingly violate the law.

Hon. Mr. McCLELAN—Still the Governor in Council would give due notice.

Hon. Mr. BOWELL—The Governor in Council might give due notice that the change would take effect the following season. I move the amendment.

The amendment was agreed to and the clause as amended was adopted.

On the 19th clause,

Hon. Mr. BOWELL—If the clause is to remain, I would suggest that the words "on reasonable suspicion" be inserted after the word "charge" in the first line.

Hon. Mr. POWER—I think it better to strike that clause out altogether.

Hon. Mr. BOWELL—I made inquiry with reference to this clause and the fear of the department is that unless you throw the onus of proving his innocence on the party charged, it would be impossible to carry out the law, owing to the difficulty of obtaining witnesses, and various other reasons of a like character, in a country like the North-west Territories. In legislating for such a country you have to take extraordinary powers to make the law at all effective. I move that the words which I have read be added.

The amendment was agreed to and the clause as amended was adopted.

On clause 22,

Hon. Mr. BOWELL—At the suggestion of the hon. member from York, this clause was allowed to stand on the ground that the game guardian would not be a proper person to judge of the character of a man or his scientific knowledge. Acting on this suggestion, I propose the following amendment: Strike out the words "any game guardian" and insert "the Minister of the Interior or any officer or person duly authorized by him may issue a permit to any person, &c." Then I propose to add "except buffalo or bison" after the words "beasts or birds." The object is to prevent even scientists killing these animals before 1899. I think that will improve the clause.

Hon. Mr. DRUMMOND—The Act is wide enough to drive a coach and four through. If a resident of that country, entitled a game guardian, has power to issue a permit for scientific or other useful purposes the Act will be of very little use. Under the eighth clause a person in these territories may kill beasts and birds for food, and if you add to this the power to give permission to kill them for scientific and other useful purposes—or purposes which the game guardian may consider useful—you open the door to indiscriminate slaughter.

Hon. Mr. BOWELL—I move that the words "or other useful" be struck out.

Hon. Mr. POWER—Considering that those permits are to be issued only by the Department of the Interior it would be better on the whole not to strike out the words "or for other useful purposes." The department might require those animals themselves for other than scientific purposes. I do not think you can call taxidermy a science altogether, and those animals might be required to be stuffed as specimens not necessarily for scientific purposes.

Hon. Mr. DRUMMOND—Certainly that would be for scientific purposes.

The amendment was agreed to and the clause as amended was adopted.

Hon. Mr. BERNIER—I think that clause 19 should be struck out altogether. It is a wrong principle to oblige a man to establish his innocence. It may be difficult—in fact utterly impossible—for him to establish his innocence.

Hon. Mr. REESOR—It is a very dangerous thing to interfere with the law of evidence which has been in existence for hundreds of years.

Hon. Mr. BOWELL—This is the principle of the criminal law as it stands already in relation to certain offences against the Crown. I referred to this question before and showed how necessary it is in enforcing the revenue laws. There are some violations of the laws, which can only be dealt with in that way. Whether it is quite necessary to admit the principle in this act or not, I am not prepared to say, but those who framed the bill thought it was necessary.

Hon. Mr. POWER—I think the hon. Minister's natural love of liberty has suffered seriously from his long administration as Minister of Customs. He had to deal in a great many cases with people who were trying to defraud. I put this case to the Minister : under the Summary Convictions Act it is not necessary that the accused should be present. If he is served with a summons commanding him to appear and he does appear, he can testify on his own behalf. If he does not happen to appear he may be convicted in his absence although there is no evidence submitted at all. The fact that a charge has been made and a process issued insures his conviction if he does not appear and prove the negative.

Hon. Mr. BERNIER—It seems to me the hon. Minister should make a distinction between the laws governing the customs and the laws governing the poor man who is up in the northern part of the country in an unorganized territory and accused of killing a poor bird. I think the instance quoted by the hon. gentleman is not analogous.

Hon. Mr. BOWELL—Supposing a traveller or hunter be found with a buffalo in his possession.

Hon. Mr. LOUGHEED—That is evidence of guilt which would throw on him the onus of establishing his innocence.

Hon. Mr. POWER—That is provided for by the preceding section.

Hon. Mr. BOWELL—I know it is *prima facie* evidence of guilt, but that will not convict a man.

Hon. Mr. POWER—Yes, it will.

Hon. Mr. LOUGHEED—The onus of proof is at once shifted.

Hon. Mr. BOWELL—Supposing he had a bird or a buffalo in his possession and he was accused of having killed it, he would simply say : "You must prove I killed it." How are you going to prove it ?

Hon. Mr. POWER—You would say that under the preceding section of this Act possession is *prima facie* evidence that the accused has broken the law and he has to remove that presumption.

Hon. Mr. MASSON—Supposing a man in the month of August goes out in the North-west with his rifles and ammunition to shoot and is accused of having in that season been hunting musk ox ; how will he prove that he was not hunting musk ox ? He cannot prove it if there is a musk ox in the neighbourhood. An officious guardian will claim that he has been hunting musk ox. He has the right to hunt elk, deer and other game. How can that man prove his innocence if an over zealous officer makes an accusation against him ? You provide that that man will be obliged to prove he is not hunting musk oxen. He may say "I have been hunting caribou," and the guardians will say to him : "There are musk oxen in the same country and you have been hunting them." He cannot prove anything at all. The fact of the season being open for one month does not prove anything.

Hon. Mr. McCLELAN—There is quite a difference between this case and the customs law, because in the latter case the party ac-

cused has invoices and is in a position to prove by his invoice and former entries whether he has made a proper entry of all the goods that his warehouse contains. In this case there might possibly be considerable oppression exercised by the officials. I admit the difficulty in both views of it, because it is very important to be strict, but certainly it is quite possible that cases may arise where parties may be accused of having violated this law who should not be charged with it at all, and there might be cases in which it would be impossible to prove the negative.

Hon. Mr. BOWELL—The suppositious case put by my hon. friend from Terrebonne is covered by the 18th section. It does not say you may accuse a man who did such and such a thing, but the crime is having in his possession a buffalo or a bison, dead or alive, during the close season mentioned in the Act. It is then for him to say how he got it.

Hon. Mr. MASSON—No, there are two clauses; one is with reference to killing, hunting, &c., and the other is having the beast in his possession. He cannot in that case contend that he has not got the animal, because it is there in his possession; but the question is on the 5th clause, with reference to hunting musk oxen at certain seasons. A vindictive official might say a man was hunting musk oxen out of season.

Hon. Mr. LOUGHEED—The clause covers all cases and is as broad as it can be made. It not only relates to possession but to all offences where a man is charged with contravention of this Act. The case cited by the leader of the House is not applicable; it is one which would be met by the present law of evidence, because the best evidence possible against an offender is the fact of his having possession of the article in question. He is caught red-handed, practically, and if he swears he did not kill the animal the justice of the peace is not bound to believe him; he can exercise his discretion as to whether that man is telling the truth or not and he can fine him. Possession of the animal is certainly almost the best evidence obtainable. Allow me to illustrate wherein an abuse of this may be made evident. Some officious guardian or officer armed with judicial authority, seeing a man come in from a distant part of the country with a gun under his arm, says to him "I charge you with killing animals out of season." The man denies the charge on his oath but the justice of the peace says "I do not believe you; bring somebody else to swear to it." And that man might be convicted; might be sentenced to punishment of a very severe character with no recourse whatever to a court of appeal, owing to the absence of such in that distant country, so that the full penalty might be visited upon him. I do appeal to the leader of the Government that this clause should be stricken out.

Hon. Mr. BOWELL—Strike it out.

Hon. Mr. DRUMMOND—I think the clause is wide enough to cover all the offences previously mentioned in the Act, but the argument of the hon. member from Terrebonne could be met if the word "hunting" were not applied to that. A man might be accused of being engaged in hunting an animal which he had no right to hunt at the time and under clause 5, the hunting of such animal is an offence. If in this clause we put in the words "who is accused on reasonable suspicion of killing any of the animals mentioned in this Act" then I think it would be correct.

Hon. Mr. MASSON—We must not take away the protection from the people in order to protect the animals.

Hon. Mr. BOWELL—If the suggestion of the hon. gentleman who has just spoken were adopted we would have two rules of evidence and that would be complicated and it would be much better to have the ordinary rules of evidence or to retain the clause as it is. In view of the feeling expressed in the House I move that the clause be struck out.

The motion was agreed to and clause 19 was struck out.

On clause 8,

Hon. Mr. MASSON—The hon. Minister was to reconsider clause 8 which gives Indians and other inhabitants liberty to kill animals out of the close season. There is no close season for buffalo.

Hon. Mr. BOWELL—I did make inquiry as to that, and it is not considered advisable to interfere with the habits of the Indians or other inhabitants of those territories, who are really more Indians than the Indians themselves, and any attempts to control them would be fraught with a good deal of danger until they become a little more civilized and more used to the habits of the civilized parts of the country. I may also say that the Indians there for years past have received instructions from the Hudson Bay officials, who are as anxious to preserve the game of all kinds as we can possibly be, and they dissuade them under all circumstances from killing any animal out of season when the fur is not good, except when they actually want it for food; and if you attempted to punish them you might create Indian wars which would cost a great deal more than these animals are worth.

Hon. Mr. POWER—Did the Minister strike out paragraph (*b*) of clause 8 yesterday?

Hon. Mr. BOWELL—No, that was passed as it stands. I only said that I would make inquiry as to why this was left open and I have given the reasons furnished me by those who have given it a great deal of study. The title of the bill will have to be changed, so that it will read "An Act for the preservation of game in the unorganized portions of the North-west Territories of Canada." Clause 27 provides for the time at which this bill shall come into force. I shall have to leave that till the third reading.

Hon. Mr. McDONALD, from the committee, reported the bill with certain amendments, which were concurred in.

## BILL INTRODUCED.

Bill (41) "An Act to amend the Acts respecting the Clifton Suspension Bridge Co."—(Mr. Clemow.)

The Senate adjourned at 5.40 p. m.

---

## THE SENATE.

*Ottawa, Friday, 11th May, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (26) "An Act respecting the Ottawa Gas Company."—(Mr. Clemow.)

Bill (Y) "An Act respecting the Arrest, Trial and Imprisonment of Youthful Offenders."—(Mr. Allan.)

## CANADIAN MUTUAL LIFE ASSOCIATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (K) "An Act to incorporate the Canadian Mutual Life Association," with amendments.

He said: The House will remember that this bill was reported upon about a week ago, and on the motion of the hon. gentleman from Ottawa was referred back for reconsideration by the committee in reference to the clause which prescribes the conditions upon which the association may issue certificates of membership and insurance policies. The promoters of the bill were very anxious that the membership should be something like 300 and the amount of insurance should also be reduced. The committee considered that clause very fully to-day and have recommended an addition to it. Clause 2 reads as before, 500 applications and $500,000 insurance, but the following words are added to the clause:—

Or such applications for membership calling for such an amount of insurance as may be required by any amendment to the Insurance Act that may be passed during the current session of Parliament.

What was desired in respect to the clause was this—in case a less amount should be prescribed in the General Insurance Act than 500 applications and $500,000 insurance, that this company might not be obliged to have a larger amount inserted in their bill. So far as this House is concerned, I presume the general bill will pass in its present shape, but in the event of any alteration

being made when it goes to the House of Commons and a lesser amount of applications and insurance be required, this company can have the amount prescribed by this bill reduced also, so that it will agree with the amount prescribed by the general Act. Then another alteration was made in the name. The original title had already been adopted by another company, and the committee altered it to the "Colonial Mutual Life Association." The other amendments have already been before the House as reported a week ago.

## THE PROHIBITION COMMISSION.

INQUIRY.

Hon. Mr. McCLELAN — Before the Orders of the Day are called I beg to remind the leader the House of his promise of yesterday to furnish some information respecting the report of the Prohibition Commission.

Hon. Mr. BOWELL—To be frank with the hon. gentleman, it escaped my mind, but I will endeavour to have the information for him by the next meeting of the Senate.

## INDIAN ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (CC) "An Act to further amend the Indian Act."

(In the Committee.)

On clause 1,

Hon. Mr. BOWELL—This clause repeals section 20 of the Indian Act and is substituted therefor. It deals with the willing of property by Indians. Under the Act as it stands at present, if the Superintendent disapproves of any part of the will he must reject the whole of it. Under this bill he may disapprove of any portion of the will providing it is not in accord with the provisions of the Indian Act. In dealing with Indians of course we are dealing with minors in the eye of the law, and such laws as would be applicable to adults in civilized life would not apply to them.

The clause was adopted.

On subsection 2,

Hon. Mr. POWER—Does not the Minister think that, having provided that, if an Indian makes a will, his property, which is not in a reserve and which he does not hold in his character as an Indian, may be devised or bequeathed as the property of another person, that the same property, in case of his dying intestate, should devolve in the same manner as that of another person?

Hon. Mr. BOWELL—Under the old law it was doubtful whether the Indian had such power, but the amendment is to place that beyond a doubt, so that he can dispose of his property outside of the reserve as a white man could, except that there is a reservation as to the widow. The object that the hon. gentleman has in view is really provided for in this clause.

Hon. Mr. POWER—My suggestion is that in the case of an Indian who dies intestate you should make the law the same as you do with respect to the Indian who makes a will—that the property which he owns otherwise than as an Indian and which is not on the reserve, should devolve in the same way as if he were not an Indian.

Hon. Mr. BOWELL—Those who have been working the Act governing the Indians inform me that the great difficulty in administering the estate of the Indian who dies without will is to trace the relationship. They tell me it is almost impossible to go beyond the brothers and sisters and parents, that so far as cousins are concerned they are scarcely known, for that reason it would be impossible to apply the ordinary law governing civilized people.

Hon. Mr. POWER—I quite understand, and I withdraw the suggestion.

The clause was adopted.

On subsection 8,

Hon. Mr. BOWELL—The only difference between this bill and the old Act is that the Superintendent General's approval is made necessary for the disposition of the children's part of the estate when they have passed from under the guardianship of the mother.

Hon. Mr. MACDONALD (B. C.)—I would like to ask the Minister if it is the intention to divide the land. The lands are held in common by the Indians and of

course they have nothing to divide. If they hold the land in severalty of course they could devise, but they do not do so. I would ask whether it is the intention to parcel out the reserves in severalty to the different Indians? The 2nd clause reads as if the Indians had power to devise the land in the reserves.

Hon. Mr. VIDAL—It is the Indian's interest in the land.

Hon. Mr. BOWELL—They live upon the reserve under what is termed a location ticket, and that is to the Indian the same, as far as his own life is concerned, as if it were a freehold. This clause gives him the power to devise whatever right he may have in that land under a location ticket.

Hon. Mr. MACDONALD (B.C.)—Then he could devise the improvements?

Hon. Mr. BOWELL—Yes.

Hon. Mr. MACDONALD (B.C.)—I think it is a wise provision that Indians who cultivate their lands should be able to have property in the real land and convey that and look upon it as their own farm and their own homestead. If Indians were capable of holding land in that way it would be an improvement.

Hon. Mr. BOWELL—This clause gives them the power the hon. gentleman suggests. That is, the right to devise the property and the land and the improvements of the estate, subject to the approval of the Superintendent General.

The clause was adopted.

On clause 2,

Hon. Mr. DEBOUCHERVILLE—What is the difference between this section and the one that is to be repealed?

Hon. Mr. BOWELL—It imposes a penalty upon trespassers on a reserve. Under the existing law a man could not be punished for trespass until he had been ordered off and returned again upon the land. The object of this amendment is to prevent trespass if possible.

Hon. Mr. DEBOUCHERVILLE—There are several people who reside in Caughnawaga who are not Indians. The members of the tribe want those people to be put off the reserve and punished, but they are still there. If you make this amendment these residents at Caughnawaga might be punished and turned off their property.

Hon. Mr. BOWELL—This amendment will not be retroactive: it only applies to the future.

Hon. Mr. VIDAL—It appears to me that this provision is harsh, although it may be necessary. I think a man should not be subject to arrest and punishment unless he has been given notice.

Hon. Mr. BOWELL—The object of the section is to prevent the white man imposing upon the Indian.

The clause was adopted.

On clause 11,

Hon. Mr. POWER—This is a new section to be added to the Indian Act. It provides:

> The Governor in Council may make regulations, either general or affecting the Indians of any province or of any named band, to secure the compulsory attendance of children at school.

In the province from which I come there are some Indians living on Indian reserves, but there are a great many who are not, who are simply living in the same manner as white men, and they come under the provincial law, and the law of the province contains provisions for the compulsory attendance of children at school. There should be something in this clause to indicate that it does not cover the cases of Indians who are not on reserves or who are not in bands.

Hon. Mr. BOWELL—That objection is well put; but neither the Superintendent General nor the Indian Department under this has any power to control in any way Indians living off reserves, as white men live. It has never been attempted, nor is any power given by this clause that would have that effect.

The clause was adopted.

Hon. Mr. LOUGHEED, from the committee, reported the bill with amendments, which were concurred in.

## SECOND READINGS.

Bill (40) "An Act to incorporate the Elgin and Havelock Railway Company."—(Mr. Dever.)

Bill (39) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. Landry.)

Bill (47) "An Act to revive and amend the Act to incorporate the Brandon and South-western Railway Company."—(Mr. Lougheed.)

## MONTREAL AND OTTAWA RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MacINNES (Burlington) moved the second reading of Bill (48) "An Act respecting the Montreal and Ottawa Railway Company." He said: This line connects with the Canadian Pacific Railway at Vaudreuil, and it is intended to continue it to Ottawa; 27 miles of the railway have already been constructed, and the time has expired for the completion of the railway to Ottawa. Some opposition was made to the project, but an arrangement has been come to which is perfectly satisfactory and the opposition is now abandoned.

The motion was agreed to.

## WINNIPEG AND HUDSON BAY RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. SUTHERLAND moved the second reading of Bill (22) "An Act respecting the Winnipeg and Hudson Bay Railway Company and to change the name thereof to The Winnipeg Great Northern Railway Company."

Hon. Mr. KAULBACH—How many miles are required to complete the railway to the River Saskatchewan?

Hon. Mr. SUTHERLAND—I could not say exactly; probably about 50 miles.

Hon. Mr. KAULBACH—The time asked is very short, only two years, and if not completed then the bill lapses.

Hon. Mr. SUTHERLAND—I suppose that is the company's business.

The motion was agreed to.

## ST. CLAIR AND ERIE SHIP CANAL COMPANY'S BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (21) "An Act to incorporate the St. Clair and Erie Ship Canal Company." He said: This is a bill applied for by certain parties who ask to become incorporated for the purpose of making a canal to connect Lake St. Clair with Lake Erie by a short cut through the peninsula, in the county of Essex. When the canal is constructed it will save an immense distance of navigation, and consequently a great deal of time, which is very important now for all parties engaged in western trade. The company reside mostly in the western states. The Act asks for nothing at all unusual. After defining the place where they wish to construct the canal, the bill provides that the work shall come under all the regulations and restrictions which the public require; that the company shall become responsible for all damage done by their agents; that they must have the approval of every municipality through which the canal is to pass; that private rights shall be saved, and the plans of the work approved by the Governor in Council before they are entered upon. These are the main features of restrictions. It is also provided, in the event of its being completed and found to be of great benefit to the navigation of the Great Lakes, as is expected, that it may be taken possession of by the country at any time the Parliament of Canada may see fit to take it over as a public work. The depth is to be 18 feet, the same as the Welland Canal.

Hon. Mr. KAULBACH—Is it all in Canada?

Hon. Mr. VIDAL—Yes, it is entirely in Canadian territory.

The motion was agreed to.

## PRESERVATION OF GAME IN THE NORTH-WEST TERRITORIES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (Z) "An Act for the preservation of game in certain parts of the North-west Territories of Canada."

(In the Committee.)

Hon. Mr. BOWELL—The only clause with which we have to deal is the 27th, the time for bringing the Act into operation. I move that the blank be filled up with "1st January, 1896."

Hon. Mr. POWER—Why put it off as far as that?

Hon. Mr. BOWELL—Because before this bill received the royal assent the present season will be too far advanced to enable the department to send notices into this far distant country: it takes six months or a year before that can be done, and it is only at a certain period of the year that convoys proceed into our northern country. That is the reason why it is put off so long.

The clause was adopted.

Hon. Mr. VIDAL, from the committee, reported the bill with an amendment, which was concurred in.

## BILL INTRODUCED.

Bill (90) "An Act for the examination of witnesses on oath by the Senate and House of Commons."—(Mr. Angers.)

The Senate adjourned at 4.45 p. m.

---

## THE SENATE.

*Ottawa, Monday, May 14th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (35) "An Act to amend the Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada."—(Mr. Power.)

Bill (CC) "An Act further to amend the Indian Act."—(Mr. Bowell.)

Bill (Z) "An Act for the Preservation of Game in certain parts of the North-west Territories of Canada."—(Mr. Bowell.)

Bill (K) "An Act to incorporate the Canadian Mutual Life Association."—(Mr. Clemow.)

## EXAMINATION OF WITNESSES ON OATH BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (90) "An Act to provide for the examination of witnesses on oath by the Senate and House of Commons."

Hon. Mr. POWER—I do not rise for the purpose of opposing the bill, which I think is a very desirable one, but for the purpose of calling attention to some inaccuracies in the language of the bill, which I presume the Minister will have set right when the House goes into committee. If hon. gentlemen will look at the second clause of this bill they will see that it reads as follows:—

The Senate and House of Commons may administer an oath to the witnesses examined at the bar of the Senate or of the said House respectively.

Now if we take that language in its grammatical construction, it presents a scene which we can hardly fancy. We should have the Senate and the House of Commons together administering one oath to a number of witnesses; clearly the intention is that the Senate and the House of Commons may administer oaths to the witnesses at the bars of the said House respectively. Then in the second clause there is a statement of a somewhat similar character.

Any committee of the Senate or of the House of Commons may administer an oath to the witnesses.

The witnesses are supposed to be sworn separately and instead of saying "witnesses" I think we should say "to any witness examined before such committee." I just call attention to these things which strike me as being blemishes on the bill, so that when it goes before committee the Minister may be prepared to consider these suggestions on their merits.

The motion was agreed to and the bill was read the second time.

Hon. Mr. ANGERS moved that the House resolve itself into Committee of the Whole on the said bill.

Hon. Mr. POWER—The House does not go into committee on the bill the same day that it is read the second time, and I gave notice at the second reading of certain defects in the bill, so that before the House went into committee the Minister would be able to consider the matter.

Hon. Mr. ANGERS—The amendments are very trifling, and as I am ready to accept them I thought the hon. member would be anxious to see them carried out.

Hon. Mr. POWER—I have no objection. The motion was agreed to.

(In the Committee.)

Hon. Mr. ANGERS—I think the bill should be passed as soon as possible and I do not see the necessity of taking a day's delay. I think the amendments proposed by the hon. member from Halifax, referring to the first clause, should be accepted. It should read "The Senate or the House of Commons" instead of "The Senate and the House of Commons."

Hon. Mr. POWER—The amendment which I should suggest would be to administer oaths, because it would not be one oath.

Hon. Mr. VIDAL—"Administer an oath to any witness;" that will serve the purpose.

Hon. Mr. ALLAN—I think the suggestion of the hon. gentleman from Sarnia is best. It should read "administer an oath to any witness," but for my part I think the clause is all right as it stands.

The clause was amended and adopted.

Hon. Mr. DESJARDINS, from the committee, reported the bill with amendments.

## BILLS INTRODUCED.

Bill (53) "An Act respecting the Calgary Irrigation Company."—(Mr. Kirchhoffer.)

Bill (13) "An Act to amend the Seamen's Act."—(Mr. Bowell.)

Bill (63) "An Act respecting the Guelph Junction Railway Company."—(Mr. MacInnes, Burlington.)

Bill (64) "An Act respecting the Medicine Hat Railway and Coal Company."—(Mr. Kirchhoffer.)

## PROHIBITION COMMISSION.

Hon. Mr. BOWELL—I made inquiry in reference to the report of the Prohibition Commission, which the hon. gentleman from Hopewell has asked for. I learn that they have not yet made their report; they are busy on what they term a preliminary report. They have promised it for some time, and as soon as it is received, it will be printed at the earliest possible moment, and laid on the Table.

The Senate adjourned at 4 p.m.

---

## THE SENATE.

*Ottawa, Tuesday, May 15th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## ST. CLAIR AND ERIE SHIP CANAL COMPANY INCORPORATION BILL.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (21) "An Act to incorporate the St. Clair and Erie Ship Canal Company" with amendments. He said: I may explain that this bill asks for power to construct branch railways to several points to run in connection with this ship canal, if it is ever built, and the effect of this amendment is to declare that the provisions of the Railway Act shall apply to those branches, which would not be the case were that amendment not moved. I see no objection to the amendment and I think the House might concur in the amendment.

Hon. Mr. VIDAL moved that the amendment be concurred in.

The motion was agreed to.

## BILL INTRODUCED.

Bill (DD) "An Act respecting the Canada Southern Railway."—(Mr. MacInnes, Burlington.)

## THIRD READINGS.

Bill (32) "An Act respecting the Niagara Grand Island Bridge Company."—(Mr. Dickey.)

Bill (37) "An Act to incorporate the Duluth, Nepigon and James Bay Railway Company."—(Mr. Dickey.)

Bill (33) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company."—(Mr. MacInnes, Burlington.)

## THE DILLON DIVORCE BILL.

### REPORTS OF DIVORCE COMMITTEE.

The Orders of the Day being called:

Consideration of the fourteenth report of the Standing Committee on Divorce in *re* Dillon relief bill, and consideration of the minority report of the Standing Committee on Divorce in *re* Dillon relief bill.

Hon. Mr. GOWAN said: I do not propose to enter upon the painful details of this case. They appear upon the printed evidence supplied to members. I will only say the committee have deliberately found, and determined, so far as in them lies, that the preamble to the bill was proved, and have recommended that the bill should be passed, and I must trust that the appeal the petitioner makes to the Parliament of Canada for relief will not be in vain, for the facts brought out in evidence were on all fours with many previous cases before Parliament in which bills were passed. There are circumstances, however, connected with this inquiry to which it seems proper to advert lest they might by any possibility in any way delay or prejudice a decision on the merits of this case, though the petitioner's claim for relief cannot and ought not to be prejudiced by action over which he had no control. For this reason, and because also important principles are involved, I think it but right to refer to the action of the committee, and show that its course was strictly in the line of duty and justice. In a matter so important as divorce, affecting, as it does, the interests of the family and the best interests of society at large, the rule of action for a subordinate body in the machinery of legislature, such as the special Committee on Divorce, should be clear, its powers and duties given and defined, and such a body must be held strictly to observe and follow them; otherwise there would be neither safety nor confidence in their action in the several cases committed to them for inquiry and report. I maintain the powers and duties of the committee are clear, and that they have been observed in this case to the letter and in the spirit in which they were conceived. I have condensed as much as the subject would admit what I believe to be the legal and proper views, and I would respectfully submit them to the House. The Special Committee on Divorce, like other committees, is a pure creature of the Senate; its powers are expressed and limited; it is not intrusted with general powers, but confined to the limits assigned by the reference and the general rules. The committee exercises certain judicial functions; it inquires into and determines as to alleged facts referred to it for consideration, and in examining witnesses is governed by the rules of evidence in respect to indictable offences. There is what answers to a record before the committee (the bill). They cannot go outside it, they cannot construct new issues, so to speak, or assume the office of public prosecutor by exploring for new facts upon which to construct new issues, not on the record, and so not committed to them or raised as an answer or defence. The committee is a fact-finding body, a jury, if you will, of the Senate; it is to find if the facts set forth in the preamble to a bill are proved; and such is to be determined upon proper evidence. The committee is called upon also to inquire as to whether there has been condonation, collusion, or connivance, and to report their conclusions upon the evidence. All this the committee whose report is now before the House did, and accompanied it with the evidence upon which the conclusions were arrived at. One member of the committee dissented from this report, at least and made a minority report, giving his reasons for dissenting. The reasons he specified are substantially that certain questions he put were improperly ruled out and excluded. Should the House undertake to review the decision of their committee, their reasons for so ruling out and excluding questions they deem improper should be had in regard. I

therefore read them as they appear on the minutes of the committee :

This bill has been referred to us by the Senate and I take it the committee has the powers delegated by the House, under its own order and rules, and none other. For what is not comprehended in the reference, leave to report must be had. What are our duties on this reference is prescribed by rule 112. They are :

1. To inquire into the allegations *set forth in the preamble* of the bill, and take evidence touching *the same* and the right of the petitioner to the relief prayed *therein*.

2. After the hearing and inquiry they are to report to the Senate, accompanying their report by the testimony of the witnesses examined and all papers and instruments before them.

Rule 115 provides : If adultery be proved *the party from whom the divorce is sought*, may nevertheless *be admitted* to prove condonation, collusion, connivance or adultery on the part of the petitioner.

Any of these the *respondent* may offer evidence upon, which the committee would be bound to receive and consider. The latter part of the rule declares expressly that condonation, collusion or connivance is always a defence, and as respects *these* imposes a duty on the committee of inquiring into them.

The matter of adultery on the part of the *petitioner* is *not so provided for* and is left to be dealt with as a counter charge. I think it would be a usurpation of authority for a committee to inquire into matters not committed to them, and we should moreover be occupying a somewhat anomalous position in undertaking the double function of accusers and at the same time judges. I can quite see that suspicious circumstances might present themselves in any case, which would demand a searching inquiry in the interest of morals ; and this contingency is provided for by the rules. A report of the committee with their reasons for desiring intervention by the Minister of Justice might be made. Should the Senate adopt such a report, and the Minister of Justice be of opinion that the public interests call for his intervention, then a further inquiry would follow. Such a proceeding would be analogous to the practice in England of intervention in divorce cases by the Queen's Proctor ; but this case does not suggest such a course. I think, therefore, the committee rules rightly in declining to pursue a question not submitted properly to them, and not advanced as a counter charge or growing out of the evidence before them.

They had to determine if the preamble to the bill was proved ; there was nothing even to suggest any condonation, collusion or connivance, moreover of these the petitioner purged himself on oath.

This *résumé* of what had been before brought out by members of the committee entered by order on the minutes briefly enunciated the views and principles on which the committee acted. The first question asked by the hon. member for Lunenburg "Are you an Irish Roman Catholic," was so obviously objectionable, so entirely irrelevant and uncalled for, one is surprised it could enter into any one's mind to put it. The day has not come in Canada, thank God, when the creed of a suppliant (a matter between him and his Maker) can affect his remedy, or debar him from just relief before any tribunal in the land. The second, third and fourth questions, put by the same member and ruled out, were of a similar character. The fifth question was of a singularly unique character : "Do you believe in the validity of a divorce *a vinculo* granted by this Parliament." A strange query to a suppliant to Parliament for its action : of course it was ruled out. The subsequent questions—exploring questions which were not relevant to any issue before us—were also ruled out. There was no counter charge, and no court or tribunal could lay hold of any matter not properly before them even on the ground of public policy. As to the minority report itself, why made I know not, when the final resolution to report the bill was passed, there was not a dissent as the minutes show. The report does not ask or recommend anything, it simply narrates a difference of opinion, that is all : it presents no ground upon which action could be had. The motive of making it is not easy to understand, it certainly does not make for peace, and in any possible view the refusal of the petitioner to answer a question after hearing the decision of the committee that it was not a proper question to be put should not in justice prejudice his case in any way or raise any implication against him. One word more—if the members of the Special Committee on Divorce are expected to occupy the position of inquisitors, to exercise functions analogous to those of a judge of the tribunal of first instance as in France in criminal cases, if the committee is expected to search out evidence and formulate charges in addition to those before them—in a word to conduct the inquiry referred to them after the manner and by the methods of a system well designated "atrocious," I feel convinced that no honourable gentleman would consent to occupy a position at once undignified and inconsistent with their proper functions as a fact-finding and semi-judicial body, and manifestly contrary to the principles and benevolent spirit of our laws and out of harmony with British institutions and Canadian sentiment.

Hon. gentlemen, a suppliant is before us asking relief under a plain provision of the British North America Act. It is true that

it is but an individual case and affects only an individual, but the principle underlying it is capable of contemplation in a wider and larger field. In respect to the Government of this country and the conduct of public affairs, if the question were put to any honourable man, to any true and patriotic Canadian whether a man's creed, whatever it might be,should debar him from a position of trust or honour or emolument, from taking part in the affairs of the country, what would the reply be? A thousand times no —such a feeling and such a principle is abhorrent to any one who loves the spirit of justice and believes in free government. The principle and the true principle of action is this—just and equal rights to all citizens, without prejudice and without distinction, all to stand on an equal position, without unjust discrimination of any kind—to stand on the broad footing of equality. That is the true principle, and any other would lead to endless disturbance and would be unworthy of a free and enlightened people. It is the principle that is consistent with justice. It is a British principle, it is a Catholic principle, it is a Christian principle, and I hope that it will be written in indelible characters on the heart of every true Canadian. If the time should come when such principles are set at nought and evil counsels prevail, it will be a sad day for Canada —a sad day for the future of our young country. The principle involved in this case is a pervading principle. If by any chance the feeling should exist that because of a man's creed he is to be excluded from receiving the same consideration that any other man would receive, it will arm the hands of others not animated by true and patriotic sentiments to say "the principle has been propounded in the Senate of Canada and may we not follow their lead?"

Hon. Mr. KAULBACH—I presume it will be understood in this discussion that both the minority report and the majority report are to be considered at the same time?

Hon. Mr. SCOTT—Yes, they are both before the House.

Hon. Mr. KAULBACH—I quite agree with my hon. friend in his peroration and the aphorism which I could not exactly hear, but I think in effect was that we should give equal justice to all creeds and denominations; they should stand on the same footing. I would not combat that principle in this discussion; but my hon. friend will excuse me if I am not able to answer his argument. If he intended to read his remarks in a low tone of voice he might have had the courtesy to hand them over to me so that I could see what they were. I am at a loss to know what he said, or to do that justice to him to which no doubt he is entitled, because my hon. friend generally talks with the presumption of profound wisdom. On account of the long experience in the legal profession and in his county court, whatever he says is deserving of consideration, at least he thinks so; and if I do not give that consideration to his remarks, it is simply because with all my efforts to hear him I was unable to do so. Now my hon. friend has said, and truly said, that every British subject in this country stands on an equal footing; but there are questions which arise in this matter that are of vital importance as regards the public interest concerned, as well as the conscience of the churches, morals and society, and we must take all those matters into consideration. Since this bill came before us, I have heard the question asked, "What have we to do with church, religion or belief? Everybody has a right to apply for a divorce." True! everybody has that right, and Parliament has an equal right to refuse the prayer of such petitions, and is bound to do so in all cases, when to grant the prayer of petitioner would tend to injuriously affect what is expressly given us in charge on this subject, and that is to legislate for the peace, order and good government of Canada, the main bulwark to which is the power and influence of the churches. Ignore that influence, legislate regardless of these sacred rights and the consciency of the church, take from it what it values as dear as life itself, then on what would our social system rest were the safeguards against anarchy and its concomitant evils and dangers, which would threaten our home and sacred altars, swept away, weakened and destroyed. Are we Christians? Then we believe that He planted a church and among its sacred ordinances was marriage on which whoever enters, vows and covenants in the presence of God and the congregation to be faithful each to the other, to love, cherish and cleave the one to the other until death parts them, they two being

one flesh. That holy ordinance, the obligation of it, is indissoluble or irrevocable, by the vow and covenant is binding on every Christian man and woman who has taken that covenant. And so the English and the Roman Churches and society have maintained looking upon divorce with the right to marry again, except in extreme cases, as an abomination. This Christian principle and obligation, this influence of the churches predominated in the way which would most tend to the public good. The discussions preceding the union clearly show that the Roman Catholic rights, civil and religious, were to be continued, and the framers of our constitution in their judgment deemed it right and proper that the subject of marriage and divorce should be kept solely within the bounds and control of Parliament, which cannot compromise with impunity the well-being of society. If marriage and divorce were to be treated merely as a question of civil rights, it would have been placed in the British North America Act on the list of subjects over which each and all the provinces would have separate and independent and exclusive jurisdiction, and alone could legislate. I do not know of any church in Canada that believes that matrimony is merely a civil right, or whose adherents, when they marry, do not vow that they will live together according to God's ordinances until death does them part. It is not a civil undertaking or a civil contract. The Church of England does not look at it in that light. The Roman Catholic Church believes it to be a sacred ordinance, a sacrament of the church; and we should be careful how far we infringe upon the rights and religious belief of so large an element of our population, and offend the religious sensibility of two millions or more of our fellow subjects. I have been here 27 years and I have never known an application for divorce where both parties were Catholics. If I can be shown such a case anywhere, then I may be called upon to say why those questions were not asked in that case; but I say this is a new departure and we should be careful how we run against the strong feeling of the Church of England and the Church of Rome in this matter. We should guard their rights and what they believe to be their sacred duties and obligations together with the question of public policy and the well-being of society. I am glad that we are going to meet this question fairly and squarely now. I hope we will all discuss it with the propriety which is becoming to members of this Parliament. I have been on a large number of divorce committees since I first became a member of this Parliament, and the difference between myself and some of my friends was that we took different views as to how we should be guided upon this question. My hon. friend from Amherst and others with myself, members of the profession, thought that it was our duty to be governed by precedents—by the judgments of courts in England, by the decisions of the House of Lords and by the decisions of the courts of Canada, and in accordance with the comity of nations, the decisions and judgments in courts in foreign countries and by rules and precedents. We contended for that strongly, but we found that hon. gentlemen in this House, including the hon. leader of the Opposition, the hon. gentleman from Barrie, and, I may say, the hon. leader of the House in 1887 and 1888, took a different position, the extreme opposite view. They claimed that every case should stand upon its own merits—that we should judge each case apart from every other case and apart from every other precedent that should be governed by what we consider right and just in our own eyes and in the interest of society. I remember well in the Ash case—I was chairman of the committee at that time—the principle was laid down by, I think, the leader of the Opposition. He said:

> In Canada we have no law on the subject, each individual case has to be dealt with by itself. Susan Ash may, or may not, according to the vote of this House, be entitled to a bill of divorce. Such cases are governed on no principle other than the individual opinions and judgments of the gentlemen who give their time and attention to the consideration of each particular case. There is no arbitrary rule laid down by which this House is compelled, under any circumstances, to grant a bill of divorce. Parliament may see fit to refuse every bill of divorce—may refuse to pass a single one. We are absolute masters of the situation. We have not delegated our prerogative to any other tribunal.

Then the hon. member from Barrie took the same position in the House on the same question. I admired the skill and adroitness with which he could turn a corner and appearing on either side about the same time. His remarks on the very subject are here:

> My hon. friend from Ottawa took, in a great measure, the ground from under my feet in the

remarks which I intended to offer. The power exercised by the Parliament of this country entirely rests upon a single clause of the British North America Act, and that clause delegates to Parliament the power of dealing with marriage and divorce. That is the sole foundation upon which this inquiry is based.

He took the same ground, that we were not bound by any decision of any court, or by any rule or precedent, but that we were a law unto ourselves : that in every case we should exercise our own judgment in accordance with what might seem to be right, in the interests of justice, in our own eyes. And he said again :

The decision of the courts may be right under the circumstances of the particular case, but I go this length and say that we are not bound by the decisions of the Supreme Court in matters of divorce, and I quite agree with my hon. friend from Ottawa when he says that Parliament is supreme in dealing with cases of this kind.

I do not know that I need trouble the House with more quotations. We have the Tudor case, in which the hon. member from Amherst and the hon. member from Halifax (Mr. Power) with myself, took the same line as we had taken before, that we should have something to govern us and that we must follow precedents. We find that the hon. leader of the Opposition opposed that principle, and he was supported in his contention by Sir John Abbott, who was then leader of this House. He held that we were not bound by any precedent at all. He said that we had the British North America Act without rules and regulations, simply placed in our own hands, and we were the custodians of marriage and divorce, and it was intrusted to us solely to legislate thereon, as we deemed in the interest of peace, order and good government of Canada, and could, in every case, do as we thought proper. He took such a strong position in that instance, that we were obliged to yield to his opinion. The hon. gentleman from Barrie quoted in that celebrated case the remarks of Lord Thurlow. The quotation is as follows :—

The House passed divorce bills in a variety of circumstances. In all such cases their lordships governed their conduct by the particular circumstances of each particular case under consideration. Indeed, he knew not how they could do otherwise ; because, with respect to divorce, he knew of no rule to direct their conduct or to limit the wisdom and discretion of the House.

The hon. member from Barrie endorsed that and made it a part of his speech.

Hon. Mr. MACDONALD (B.C.)—Who is opposing that view now ?

Hon. Mr. KAULBACH—I do not know that any one is. I think we are all coming to hold that view now. I want to show that the consensus (at least the judgment of the majority of the Senate) in the above cases was against my then contention, and that we are not bound by any precedent or rule so that we may do what we think right in our own eyes.

Hon. Mr. POWER—In what year did that debate take place?

Hon. Mr. KAULBACH—In 1888. The remarks of the hon. member from Barrie were as follows :—

To sever the sacred tie of marriage is a serious act, and the most careful consideration of each case is incumbent upon us all. Not merely because of the operation upon the marriage *status* of the parties concerned, but because parliament unlike a court of justice, is not tied by fixed limits, but may bring in view considerations of expediency or public advantage when making a law ; may, and I think should, have in regard the effect in relation to morals and the well-being of society.

It cannot be contended, however, that the judgment could bind parliament, whether for or against the petitioner or in any way control its action in finding upon the facts or granting relief. The court below had no power touching divorce ; that belongs under the constitution to parliament.

The case between the parties to the bill was before a court a with specially limited jurisdiction—*séparation de corps*—and limited in respect to matrimonial offences specified. A court limited as to relief and otherwise.

It is not so in respect to bills of divorce before parliament. In all such cases, parliament, to use the words of Lord Brougham, " is engaged in making a law," and as Lord Thurlow said in the Addison case, " governing ourselves by the exercise of our own wisdom and discretion."

The hon. Senator from Ottawa in 1887 strongly expressed himself to the like effect, namely, that parliament in such matters is governed only by individual judgment and opinion of members in each particular case.

The Senate, as constituent of parliament, is possessed of this case, and parliament, I maintain in passing a law touching the *status* of the parties, is not limited or restrained—any law it may deem in the interests of morals, and the good order of society. In this, therefore, it differs from the ordinary tribunals.

He repeated this over and over again in that debate. I ask you whether you do not consider this to be one of the cases affecting a large class of this community—if it is not one of serious and vital import-

ance. It affects not only the Roman Catholic Church but also the Anglo-Catholic Church. They take strong grounds on this matter. We know very well that divorced people are generally considered outside of the pale of society. The Church of England will not grant them the sacrament of the church and will not give them the right to marry again, whatever this Parliament may do, and society generally frowns down upon all who seek for and obtain divorces. That is the position I take in this matter. I wish to submit several propositions to the House. They are as follows :—

1. To grant this application for divorce would not be in the public interest *salus populi suprema est lex.*

2. It would not tend to "the peace and order and good government of Canada" which in this matter of marriage and divorce is exclusively within the legislative authority of the Parliament of Canada as provided by the 91st section of the British North America Act.

3. Petitioner having separated and continued separated from his wife without lawful cause is not now entitled to divorce.

4. Petitioner having since then committed adultery is not entitled to divorce.

5. Petitioner having contributed to his wife's adultery by desertion is not entitled to divorce.

Hon. Mr. McCALLUM—Does the hon. gentleman give that as a notice of motion?

Hon. Mr. KAULBACH—No, I am simply stating these propositions and I hope before I am done to establish them all. I think I have already established the first and second. I contend that in the province of Quebec, where three-fourths of the people belong to the Church of Rome and respect their sacred relations and obligations, we should not now endeavour to do violence to the conscience of that great body of Christians, who by precept and example inculcate pure and virtuous living, and to break down the obligations and rights and ordinances as is attempted to be done in this case for the first time in Canada.

Hon. Mr. BOULTON—In the province of Nova Scotia, where there are divorce laws, are they forbidden to grant divorces to Catholics?

Hon. Mr. KAULBACH—I have had but little to do with divorce cases, and I have never heard of Roman Catholics going to a divorce court for a separation. I do not know what might happen in a case that has never occurred. A good Roman Catholic, who believes in his church and the sacraments and obligations of his church, will not venture to go to a court for a divorce.

Hon. Mr. BOULTON—What I ask the hon. gentleman is whether there is anything in the laws of Nova Scotia which prohibits it?

Hon. Mr. KAULBACH—I know of nothing in the law. We have nothing to do with Nova Scotia and Nova Scotia laws. We relegated certain powers to them long before confederation was thought of, and they are governed by law. We are governed here in Parliament by quite a different principle. We are governed by no laws except what we believe to be the best interests of the public. We have simply the words "marriage and divorce."

Hon. Mr. McCALLUM—Does the hon. gentleman say that we are not governed by anything but our own consciences when we vote?

Hon. Mr. KAULBACH—I have not said anything to the contrary. When we delegate powers to a court, the court is bound by the powers that we give to them. They are only the administrators of the law as given to them. We stand in quite a different position. The principle is laid down in the following words :—

> Parliament will be making a law, and the supreme power of the state (within constitutional limits of course) it would have to consider what would most tend to the public good. The courts but expound and administer law which Parliament enacts.

The courts only administer the law which Parliament enacts. They have no power but that of administering what is given to them by Parliament. We have not relegated this power—we have kept it to ourselves, simply because we consider this to be a question too sacred to be given to a court.

Hon. Mr. BOULTON—Have we the power to alter the laws of Nova Scotia?

Hon. Mr. KAULBACH—No, we have not touched them. Wherever there is a

divorce court it continues to exist. Whatever powers we give them by statute they have got and nothing more. What I contend is we have the power here to make laws for the peace, order and good government of Canada under the 91st section of the British North America Act, and in that is specially delegated to us the subject of marriage and divorce. That is my position, and we have nothing to govern us except what we consider right and just under the circumstances for the good order and good government of Canada and for the peace and welfare of society. I contend that Parliament has not delegated that power by statute and has made no rule to abrogate or curtail the power. My hon. friend has quoted the 115th rule of this House and has used it in his argument. That rule is as follows :—

> If adultery be proved, the party from whom the divorce is sought may nevertheless be admitted to prove condonation, collusion, connivance or adultery on the part of the petitioner.

I contend that we cannot curtail the power of Parliament by any rule that we make here. The other co-ordinate branch of Parliament must be considered, and we could not make a rule which would curtail the powers of Parliament as a whole in asking any question that a member may think proper to put. Another clause says that the rules of evidence in the courts of Canada in respect of indictable offences shall apply. Now what is the rule of evidence in criminal cases? That no man can refuse to answer a question which will elicit the facts of the case. The 5th clause of the Act of 1893 respecting witnesses and evidence says, "No person can be excused from answering any question on the ground that the answer to such question may tend to criminate him or tend to establish his liability, &c." There is the plain law laid down. We are governed by the principles of evidence in criminal cases. I take this ground that we in the committee all stood as peers. It is a quasi-judicial committee and we all stand alike. I may be put down by the power of numbers, but that force would not take away my rights. I contend, and I will contend as long as I have the confidence of the House to place me on that committee, that I have the right to ask such question as I think right and proper, subject to nothing but Parliament itself and my own conscience and what the public may think of my conduct. No power in the committee, no majority will curtail my rights on that committee in a quasi-judicial inquiry. Even a practitioner, had the committee been a regular court and we were sitting as judges, would have been allowed to ask the questions which I put. Fancy a judge saying that a witness shall not answer a question and ordering the question to be struck out! The hon. member for Barrie may have fancied that he was practising in a county court in the interior of the country, forgetting for the time that he had been pensioned off long ago. But before this court of Parliament we must all be treated alike and I have as much right as any other member of the committee to ask such questions as I think proper, and I will not be curtailed of my rights by any member of the committee or by all of them put together. If it were a common court of law and the counsel asked any of these questions, would he be told that the question should not be asked and that it should not go in the minutes and that he should not have the advantage of having it recorded and ruled upon so that in the event of the suit being appealed to a higher court it could be decided whether it should be eliminated or not? All the privileges of a solicitor and his client were denied me in the committee. The reason why I was prompted to ask some of these questions was by reason of what had occurred in this House. On the 1st May last this bill came up for the second reading. The hon. member from DeLanaudière rose in his place to move the six months' hoist, and stated that his reason for doing so was that these parties were Roman Catholics and he thought it was not in the public interest that they should get a divorce.

Hon. Mr. READ (Quinté)—Is Dillon the only Roman Catholic that has ever appeared before this House for a divorce? If the hon. gentleman thinks so, I can find him a case here.

Hon. Mr. KAULBACH—I object to being interrupted and interfered with in this way. I do not know of any Roman Catholic that appeared here for a divorce. I do not believe there ever was such a case.

Hon. Mr. READ (Quinté)—The hon. gentleman may not know it, but other members of the House do know it.

Hon. Mr. KAULBACH—I never knew of one coming here for a divorce. If I had known it, I would have asked the questions that I put to the petitioner in this case. I say this question was raised on the second reading of the Bill, and my hon. friend from DeLanaudière only withdrew it because of the remarks which came from the hon. member from Calgary. He had with him in his contention the Hon. Mr. Almon, who said:

> It appears to me we are usurping the power of the church. I think the matter as to whether the parties should live together or not, should be left to their clergy to decide.

What does the hon. gentleman from Calgary say? He says:

> I would suggest that the hon. member allow this matter to stand until the evidence is taken. It is a dangerous precedent to introduce in the House to disapprove of the prayer of the bill upon mere hearsay as the hon. gentleman now proposes. There should be some evidence before the House, on oath or otherwise, that my hon. friend's contention may be proved correct in fact.

Then the hon. gentleman from DeLanaudière said that he thought the objection was well taken, and he withdrew his opposition to the second reading of the bill until such time as the House was vested with the fact. Hearing this question raised here in the Senate on discussing the principle of the bill as to whether it was advisable that these people should have a divorce, the principle of the bill being challenged, could I suppress evidence of that kind or permit it to be suppressed? Could I go on that committee and sit there silently when I saw that it was evidently the intention that that evidence should not come out—that Parliament should not get the fact of their both being Roman Catholics?

Hon. Mr. McKAY—What about the certificate of marriage?

Hon. Mr. KAULBACH—The intention was that the evidence should not come out as to whether they were still Roman Catholics and believed in the validity of a divorce granted by this Parliament. I am not questioning the motives of the committee. They may have thought that it was in the interest of the peace and good government of Canada that those questions should not be asked, but I thought it proper that they should be, and I would have stultified my position, had I not insisted upon the questions being asked. I did what I conceived to be right and proper, and it would not have been fair to this House and to the hon. gentleman who made that objection at the second reading if I had not put the question. Every member has a right to have the facts brought out and I thought it my bounden duty to ask those questions. Every one of them was ruled out. I will return to the evidence that was suppressed in consequence of my not being allowed to ask certain questions, and I contend that on that evidence alone this man is not entitled to divorce. In 1883 he was married; he had two children, the issue of that marriage with this woman. We have it that without warning, within five years of his marriage, without giving any reason, he takes his wife to Paris and leaves her there. I contend that he left her without any legal cause, as the evidence shows. He was asked this question by me:

> Q. Was the intention of separating thought of by you before you went to Paris?—A. I suppose it was contemplated on my part. I had not formed any definite plans.
> Q. You say you had no definite plans formed when you went to Paris?—A. No.
> Q. You went with her to Paris?—A. I went with her to Paris.
> Q. As man and wife?—A. Yes.
> Q. And up to the time of your arrival in Paris you lived as man and wife?—A. Yes.
> Q. You say you had contemplated leaving her?—A. I suppose I had thought of it.
> Q. Was she aware before you left this country that you had any such contemplation?—A. I am not aware whether she was.
> Q. Had you cause at that time that you considered warranted a separation?—A. Our life had been a very unpleasant one for two or three years before.
> Q. What was the cause of that?—A. I have stated the cause.
> Q. Want of affinity—discord was it?—A. Incompatibility and extravagance.
> Q. When had you first cause to impugn her fidelity to you as your wife?—A. Last September.

For six years he was separated from her without any legal cause, bereft of home, husband and children, an unprotected wife and mother cast off as a worn out garment and follows his own sensual appetite, and it was only last September that he thought anything was wrong, although his wife was in Montreal, and if there were any improprieties on her part he could have detected them.

Hon. Mr. PRIMROSE—Was that separation by mutual agreement or not?

Hon. Mr. KAULBACH—Yes, but I say that when a man abandons his wife without sufficient cause in law, and does not give her the protection, the love and the respectful attention which she has a right to expect from him, when he leaves her in that way for six years, he contributes to the offence she has committed. The law says he contributes to the offence by abandoning her, gives her license, encourages her, and contributes to her offence. No lawyer will contradict that position.

Hon. Mr. PRIMROSE—When it was said there was a mutual separation agreed upon, is it not a fair inference and deduction that under the circumstances there could not be any particular desertion?

Hon. Mr. KAULBACH—I will show my hon. friend that a written document agreeing to the separation would be no use, but here the man deceived her. He took her over to Paris without any reason; he took her on false pretenses and left her in Paris, and admits himself that he had then no grounds for divorce.

Hon. Mr. McKAY—He left her there with her father.

Hon. Mr. KAULBACH—I do not care where he left her or with whom he left her. He abandoned her. I say where a man deserts his wife without sufficient cause in law, if she commits adultery he contributes to it, and cannot afterwards ask for a divorce. But there is more than that. This question was asked:

> Did you offer to take her back to your house when she returned to Montreal?—A. No.

Now there was a married woman, probably a good woman, a chaste woman, bringing up a family to her husband, living with him as she should, cast aside in a foreign country, having no person to lean upon, her children taken from her, her heart's yearnings taken from her, her heart turned to gall, she probably would seek some solace and after six years she commits an indiscreet and imprudent act, I say, therefore, that the petitioner cannot ask for a divorce. He must come before us with clean hands and if he in any way contributes to her offence, as he has done in this case, he cannot ask for a divorce. I asked him "Were you faithful to your marriage vows from the time you separated in Paris up to the time you sought this divorce here?" He would not answer that. Now I contend that when a question like that is put, if the man has the power to answer it and does not, it is clear presumption of guilt—in fact, conclusive evidence of guilt. He would not answer that, and the members of the committee unanimously said he should not answer that question, was not that act by the committee a travesty of justice?

Hon. Mr. MACDONALD (B.C.)—Suppose he had answered "no," what would be the difference?

Hon. Mr. KAULBACH—Why he could not come in here for a divorce, because he not only deserts his wife and contributes to her offence, but he is guilty himself. Can a man be a profligate and come here for a divorce?

Hon. Mr. MACDONALD (C.B.)—But suppose he had not been a profligate—that he had been faithful? Supposing he had answered the question "yes."

Hon. Mr. KAULBACH—If he had done that it would have been all right, but even then he would not be entitled to a divorce because he contributed to her offence by abandonment. If he had answered that question you would not have to consider the other point. We must take the evidence and judge of it as we think proper. I would not give credence to a man who would violate the sacraments of his church and come here asking for a divorce. I say that I would not believe that man who was not true to his religion and to his sacred and moral obligations. He would have a stigma on him, as far as I am concerned and I should doubt his veracity.

Hon. Mr. MACDONALD (B. C.)—Then there would be no use asking the question if you would not believe him.

Hon. Mr. KAULBACH—Well, that is another matter for this House to consider, but he refused to answer and he did more than that: he protected himself under the plea of counsel—that counsel instructed him not to answer. It is easy to get the protection of counsel in that way. I say counsel had no right to instruct

him not to answer. He was bound to answer, is liable to be imprisond and liable to have all the penalties of Parliament upon him for not answering. He is bound to answer the questions of the committee of the Senate who are quasi judges. But how did he answer the next question? I asked him then :

Were you faithful to your marriage vows up to the time you deserted your wife in Paris ?—A. Yes.

He was under no restraint then. He tells us that instantly ; that he can answer freely. He answered quickly and promptly because his conscience was clear. He spoke honestly and truly, but the hon. members of this committee with their power of numbers stopped me from having the other questions answered. Now those are the facts of the case and I contend from my view that the proposition I have advanced has been established by the evidence : having contributed to his wife's adultery and he having since committed adultery is not entitled to divorce. Petitioner separated and continued separated from his wife without lawful cause, and therefore is not entitled to divorce. He is bound to show that he had a lawful cause, and I will show the House by the cases which I have before me what are lawful causes. I read from this book of Mr. Gemmill's on Divorce :

But the House of Lords refused to pass divorce bills where there were deeds and agreements of separation, unless peculiar circumstances were shown to warrant them.

In Lord Lismore's case Lady Lismore's violence of manner and language towards her husband were held to justify the separation agreed upon, his conduct having been exemplary. In Sullivan's case representations of his wife's misconduct were considered to account for a deed of separation. In two other cases the grounds of separation were considered altogether frivolous and the bills refused.

"The principle seems to have been that that agreement to live separate almost amounted to leave and license," that is, she can go out upon her own hook and do as she pleases. It is contributory to the offence ; a connivance at her act. The law says that it is giving her leave and license to go outside and do what any mad woman might do and not be called to account.

Leave and license on the part of the petitioner who had to show a correct reason for such separation in the previous misconduct of the other party. The mere whim of both parties is not sufficient.

He must show that he had proper grounds and legal grounds to base it upon. That is the first position and the next is that having himself committed adultery he is not entitled to divorce. He has not answered that question as he ought to have done, and in all cases where a man has the knowledge and will not answer, it is presumed that his answer, if given, would be against him. Then having contributed to his wife's offence by desertion he is not entitled to divorce. That is my next position, and I think I have plainly shown that this man alienated her affections, turned her heart to gall, separated her from her children, left her six or seven years, never gave her the slightest attention ; and, having alienated her affections, if she has committed this wrong, he is responsible for it and cannot come here seeking redress. Now we will assume that the wife of this petitioner is a good Catholic ; we have no evidence what he has done, because if she is true to her church she dare not come and ask for a divorce ; he may revel in iniquity and sin, and she, as a good member of her church—although she may have failed in this one regard—believes her church is as dear to her as her life, and she dare not come into this or any other court and ask for a divorce.

Hon. Mr. MACDONALD—She could oppose it.

Hon. Mr. KAULBACH—She could do anything, but her conscience would not allow her to recognize divorce proceedings in any way at all. I do not know that she could even come into court and oppose it, because she and her mother church disclaim any regard for divorce; her church says it amounts to nothing ; they do not want divorces and have no respect for them. Even if she could have come here, according to the ruling of the hon. member for Barrie which no other lawyer would venture to make, she would not have been allowed to say anything at all, because his contention and the contention of the committee is that if she came here defending the suit the question could have been asked ; but because she did not employ counsel to defend the suit therefore we cannot ask the question. How monstrously absurd such a statement as that is ! I say that when a respondent is not defended by counsel in an application for a divorce, we should look

with more suspicion upon the case and treat it as a case requiring the most searching inquiry. We must give it more consideration than if the opposite party were here with counsel. We are bound to ferret out everything and before we give a divorce we must see that the man is entitled to it, and I repeat it is monstrous to say that if this woman came here the questions could be asked, but because she did not come here the committee would not allow the questions to be put. The chairman of the committee disregarded all precedents. I do not believe you will find another lawyer in the Senate of Canada to-day who will endorse his judgment in this matter before the committee in ruling out that evidence and deciding as he did. I do not believe the hon. member from Calgary would have said that those questions should be ruled out; but after my hon. friend the chairman pronounced his dictum and ruled as he did, there was nothing said. It was taken for granted.

Hon. Mr. OGILVIE—Mr. Lougheed told me the ruling was perfectly right.

Hon. Mr. KAULBACH—I do not want to take hearsay evidence from my hon. friend; I have done so before and have found it could not be corroborated afterwards, and my hon. friend had better not tell us what he heard. I know that the hon. gentleman takes a deep interest in divorce cases, and if he cannot get correct evidence of the fact, he should not mention it. I asked Mr. Lougheed if he considered that the judgment of the Hon. Mr. Gowan was correct, and he would not answer.

Hon. Mr. McKAY—He voted that way.

Hon. Mr. KAULBACH—He voted that way; but the next morning, with the dictum of the chairman laid down in the most emphatic manner, with his long experience and wisdom, there was not a word to say by any of you and the bill was passed. Rule 50 reads:

> If adultery be proved, the party from whom the divorce is sought may nevertheless be admitted to prove condonation, connivance or adultery on the part of the petitioner.

I contended then, and contend yet, that if the respondent could ask these questions and prove those facts from the witness, that we had a right to do it, and the evidence could not be excluded. My hon. friend talks about counter claims and counter actions in this connection. We hardly know such matters in our courts or such proceedings in criminal cases. I cannot imagine what he meant. The counter case in divorce we never heard of, and he said we should appeal to the Minister of Justice in this matter. I will tell you when you can appeal to the Minister of Justice; it is when we have exhausted every means of getting the evidence before the court; when we feel that notwithstanding all the evidence we could elicit from the witnesses who came there, there is something wrong in the case that requires more power—when the intervention of the Minister of Justice to obtain more evidence is required—then we should appeal to him. Then and only then could you ask the intervention of the Minister of Justice, but as long as we get the material and the evidence before us which we had in this case, we cannot ask for the intervention of the Minister of Justice, because every question should be asked and answered, and there is no power to exclude evidence. If we had not the power to ask these questions, and asked the intervention of the Minister of Justice to get these questions answered, we would not possess the power that we ought to have, and which I contend we possess. I contend that we are not curtailed; the power of Parliament is supreme and we had a right to ask every question which was put there by me and many more cognate questions; and under the law of evidence in a criminal case, the man having put himself in the box, not being compelled to do so, and being a competent witness he is bound to answer the questions. Hon. gentlemen will see that, as far as I myself am concerned, it makes very little difference what indignity might be cast upon me by the members of the committee; I believe none of them meant to do this; but it was simply with one object, and that object was plain and palpable, that the evidence should not come before the House. They wanted to suppress certain facts. They had their motives for it no doubt and acted according to their own light and understanding of what was best for peace and harmony with all creeds and all religions, but I consider I was bound to ask the questions which I put; and I was precluded from asking more questions when

I found such a determined stand taken against me. I felt humiliated and almost debased, with the witnesses and counsel and everybody there, that my mouth should be shut, but I kept very pleasant and agreeable. I had many more pertinent questions to ask ; I knew nothing of the case till I went into the committee room, but no matter what I asked of a cognate nature, it was ruled out.

Hon. Mr. McKAY—You asked quite a lot.

Hon. Mr. KAULBACH—I would have asked more, but I felt that questions cognate to the one I asked would be excluded, and I was told so. Now, I do not want you to visit upon the unfortunate man coming here the consequences of any dereliction on the part of the committee. Do not judge him harshly on account of anything improperly done by the committee ; but I say that I believe you have sufficient reason, first, because he has dishonoured the church and his religion, abandoned his wife for six years and now asks us to sever his sacred bonds with leave to marry again, and then on the ground of public policy, and also on the ground of respect for society and proper regard for the churches, which are the bulwarks of our peace and comfort in this world, and our safety. What would be the good of Parliament if we had not the churches of all Christian denominations ? Besides the Church of England and the Church of Rome, there are other denominations, I believe, that look down with disfavour upon divorce. Outside of that altogether there is ample evidence that this man has not fulfilled his marriage vows ; he cannot cast his wife away without proper cause ; he contributed to her offence, and the law says that he gave her license to do wrong by abandoning her six years, so that he has been guilty both ways. When he is asked plainly have you committed adultery after your separation from your wife, he won't answer that question ; you must put that against him. I hope that this discussion will not cause any bad feeling of race and creed ; I have simply endeavoured to lay the case before you, and I think on one or other of the objections you must say that the man is not entitled to a divorce on public grounds, in the interests of society and in the interest of all the churches, because he must come before you with clean hands when he seeks relief. He cannot separate from his wife, sin himself, and contribute to her sin, as he did, and then seek redress here. Heaven forbid such an outrage on church and morals.

Hon. Mr. VIDAL—It appears to me that the question which is really before us is an exceedingly simple one, requiring very little time to discuss it in order to arrive at a satisfactory decision. We have before us a minority report as well as the report by which the committee announce to us that after careful examination they have ascertained the truth of the allegations made by the petitioner seeking the divorce entitling him to have his petition granted, and recommending that the bill shall be passed. With regard to this minority report, it is difficult to know what object is sought to be gained by it. I can understand its being brought in to afford an opportunity to deliver the speech which the hon. gentleman has just made, but it recommends no specific action to be taken by the Senate. What is the House to do with it ? There is nothing in it ; no asking us to condemn the action taken by the majority of the committee. It contains a few items of fact, a brief history of certain occurrences which took place in the committee ; but I cannot see that it is a report upon which any action can be taken. The question really before us is, whether there is any ground for refusing to acquiesce in the decision of the committee when it says that sufficient cause has been shown to justify the petitioner and recommends that the prayer be granted ; and that the bill be passed. The grand underlying difficulty we can clearly see. Although there has been a vast amount of verbiage, the real, essential difficulty is that the petitioner and the person from whom he seeks divorce are said to be members of the Roman Catholic Church, and if I understand the ground taken by the hon. member from Lunenburg, in opposition to the bill, it is the claim that the petitioner has no right to get the relief which the law grants to Protestants under similar circumstances. It has been clearly shown that the man is entitled to relief ; the question is raised, can it be granted to him, he being a Roman Catholic ?

Hon. Mr. KAULBACH—No.

Hon. Mr. VIDAL—To my mind it is a most outrageous thing to say that we can-

not grant to Catholics the same relief and privileges which Protestants enjoy. Surely they should be on the same footing. We have no right whatever to take any cognizance of any man's religious belief. He may have no belief or any kind of belief, and with this we have nothing to do; what we have to deal with is the man's civil rights, and what we have to attend to is the impartial application of the law of the land to every case which comes before us. I do not agree with my hon. friend from Lunenburg as to the unlimited range of power granted to us when deciding cases, as though we were entirely above all law, as if in taking evidence we were not under any obligation to be guided by the usual process in courts of law. In cases of this kind especially, where we are acting as judges, it is a great advantage to us that we have on the Divorce Committee senators who are accustomed to taking evidence in the law courts, who know the rules of evidence and what kind of testimony may properly be brought out, and consequently I have great faith in the finding of the committee. It consists of nine members, and when we find that committee unanimous in this matter, with the exception of the hon. member from Lunenburg, to me it is very strong evidence that their recommendation must be right. They have examined very carefully into the facts, and I am under the impression, from glancing at the evidence, that from the beginning they pursued the correct and proper course, acting in conformity with the rules of the House, dealing with that which had been specially committed to them to investigate and report upon and not going beyond that. If the point upon which the hon. gentleman has dealt very largely, the alleged improper conduct of the petitioner had been a matter properly brought before them, it would have justified the question put to him as to his own personal behaviour, but it seems to me that the only proper way to bring that before the committee would be for the respondent to plead that the petitioner had committed adultery. Then I could understand that it was the duty of the committee to investigate the charge. As a matter of fact, there was nothing of the kind in the plea before the committee. To my mind the question which the hon. gentleman wished to put to the witness had the appearance of fishing,—which is sometimes practised in courts—trying to get evidence where there was no ground before the court to justify any such questions at all.

Hon. Mr. KAULBACH—That is just what we are there for, to fish for all the facts bearing on the case.

Hon. Mr. VIDAL—I know that the hon. gentleman is a very eminent lawyer and has had a great deal of experience in courts. I wish him to tell me if he ever knew of a case in which a man before a court was asked to what religion he belonged when he sought for justice? The hon. gentleman certainly cannot find any precedent for it, and the course that has been followed in the committee is the practice which is universal throughout the British dominions. We never think of asking a man what his faith is before granting him his rights as a citizen of the British Empire, irrespective of what his religion may be. What I object to is trying to introduce here a principle which is entirely new and subversive of individual right. It is something unheard of to claim that because a man may have peculiar religious views, therefore he is not to be entitled to the protection of the law and to the relief which by law can be properly given him, on certain facts being established. It is amazing to me that any one can raise an objection to a statement so perfectly plain and in harmony with the British constitution and the manner in which British justice is administered. I do not know anything about the religious faith of those parties, but it appears to me that it is not so important a matter to know whether they were adherents of a certain church or not. If that church repudiates very strongly the action they take, they are violating one of its fundamental laws, and in my judgment cease to be members of that church. I know that would be the case in the church to which I belong, if they were to violate a fundamental law of the church. Consequently, by that very act of coming here for a divorce, such persons forfeit all their rights as members of that particular church. That is the view I take of the matter. The simple question before us to decide is as to whether the report of our committee has been sufficiently well considered. If the evidence submitted to us proves sufficient to justify the committee in saying that the preamble has been proved, is their recommendation that the bill should be passed a proper one? Are

we prepared to say because one member of that committee differs in opinion from all the others, that the decision of the committee is wrong and that the course recommended by the one dissentient is more in harmony with British law and practice than the recommendation of all the other members of the committee? I think not, and I think the religious question should not have been brought up in connection with this matter by the hon. member from Lunenburg. While a great many of his arguments would have had considerable weight with me if we were enacting a clause of the British North America Act giving this Parliament control of divorce, it is a totally different thing to be discussing the propriety of Parliament granting a divorce under an existing law. My feelings with reference to this affair are very much in harmony with those of my Roman Catholic fellow members. I have an exceedingly strong dislike to separations of this kind, but I find divorce sanctioned by the law of the land. That law is supreme, and whatever may be my personal feelings, when a person taking advantage of that law establishes a case that he is entitled to the relief which it would give him, it would be a very shameful thing for us to say that because he is a Roman Catholic he shall not have the benefit of that relief—that he must suffer the injustice, simply because of his religious faith. I do not think such a thing should be done, and in my judgment the report ought to be adopted.

Hon. Mr. BELLEROSE—I much regret that I have to oppose the recommendation of the majority of the committee, but believing as I do that this question is of the greatest importance, indeed of greater importance than some hon. gentlemen seem to think, I could not let it pass the other day when the bill was read the second time. and I cannot let pass to-day the report of the committee recommending the passing of this bill without expressing my opinion and opposing those arguments which have been made in support of the bill. To answer the hon. gentleman from Lunenburg (Hon. Mr. Kaulbach), the hon. gentleman from Sarnia (Hon. Mr. Vidal) had to change one of his expressions. The hon. member from Lunenburg never claimed that because the petitioner was a Catholic, therefore he should not be heard. What he did say was that when a man belonging to the Roman Catholic Church comes before the Senate for a divorce, the question ought to be looked at and the House should see whether they could in the interest of morality grant the prayer of the petitioner. That is quite a different thing from denying the constitutional right of a Roman Catholic to seek relief under the general law of the land. Then the hon. gentleman from Sarnia said that this question was a very simple one. It does not seem so, because the hon. gentleman does not himself appear to understand it, and knowing his intelligence, it must be that the question is a complicated one, since he did not grasp the principle involved. Then the hon. gentleman says that he could not vote for such a proposition as that put before the House—that a Roman Catholic coming here and asking for a divorce should not be granted one because he is a Roman Catholic. As I have said, this shows that the hon. senator does not understand what our pretensions are. They are that should Catholics ask divorces *a vinculo*, Parliament should not grant them, though they might give divorce from bed and board. I propose to show that such is the bounden duty of Parliament. I agree with the hon. member from Barrie that this Parliament is almost omnipotent. I agree with the English writer who says that Parliament can do anything that is possible, but there are circumstances under which the powers of Parliament come to an end, and that end is reached when they propose to take a step which would be an immoral act or in contravention with the law of God. What I wish to prove to-day is that Parliament, in its supremacy, cannot allow this bill of divorce. Let us begin at the very beginning. What is the evidence before us? That Dillon married in 1883—eleven years ago. That five years after his marriage, some time in 1888, he went to Paris with his wife and that they lived together as man and wife. He swears that he had no reason to suspect her fidelity or to complain of any immoral conduct on her part up to last September, 1893. I am surprised that the members of the committee did not look further into that question of the separation in Paris. The petitioner swears that he agreed with his wife in Paris, to separate and live apart one from the other, so that he left her there returning to Montreal and has lived six years apart from his wife, granting her an allowance of $50 per month. With such a flighty and eccentric

character as this woman had, according to the evidence given by the petitioner, her husband, was it right for him to separate from and abandon her in Paris, her mother living in Montreal? Did not common honesty, much more charity, require the presence of her husband to keep a close watch on her? Certainly, and no doubt this separation greatly contributed to, if it was not altogether, the cause of the immoral conduct of his wife, and yet this man is allowed to come here and ask for divorce on the ground of the adultery of his wife, and the committee recommends this House to grant him relief. Is there a member of the committee, or of this House, who having put his hand on his heart, will deny that under the circumstances there is a great presumption that Dillon did so separate from his wife expecting such results as those proven against his wife, and which are the grounds upon which he bases his demand? If that cannot be denied, then I ask this House should they grant a divorce to a man who contributes to his own dishonour? Even if I were a Protestant, I could not vote for this bill, because I hold that the man was more guilty than his wife. He himself states that it was not until last fall that he discovered that his wife had done wrong, although he has been six years living apart from her. And where did he separate from her?—in Paris. Had he possessed any charity, had he desired to do what was right, he would have brought her back to Montreal and given her over to her mother and explained the arrangement under which they were to live apart. But no, he left her in Paris, and there she went astray. In my opinion, not only should we refuse to grant this man a divorce, but much more refuse to let him marry again. He knew his wife's character; he swears that she was of a flighty disposition. Was not then Paris the last place in the world where he should have left her? Under the circumstances, was it not on his part collusion and connivance. Collusion according to Lord Stowell is:

> The agreement between the parties for one to commit or appear to commit the fact of adultery in order that the other may obtain a remedy at law as for real injury. Real injury there is none, where there is a common agreement between the parties to effect their object by fraud in a court of justice, it is also connivance—connivance is the corrupt consenting of a married party to the conduct of the other of which he afterwards complains.

Has not collusion then and connivance been proved here? Has it not been proved that there was an understanding by which, on payment of $50, she was to live apart from him?

Hon. Mr. GOWAN—No.

Hon. Mr. BELLEROSE—I say yes—the agreement is here. Read the evidence of which I have already given a synopsis. Now, under the English Divorce Act:

> If the petitioner is proved to have been guilty of unreasonable delay, cruelty, desertion or wilful separation without excuse, or of misconduct conducing to the adultery complained of, the court is not bound to pronounce a decree dissolving the marriage, but will exercise its discretion as to whether it shall, according to the circumstances of the case, grant the relief prayed or dismiss the petition.

The question of connivance as a bar to divorce by reason of adultery was considered by Dr. Lushington in Phillipps *vs* Phillipps.

> After a review of the decided cases, he concluded the principle to be that the husband is barred when he has contributed to his own dishonour..... *Volenti non fit injuria*, but it must be more than indifference, inattention, over-confidence, it must be intentional concurrence in order to amount to a bar, though there need not be active steps taken by the husband to corrupt the wife.

An English judge (Lord Penzance) said:

> Society has an interest in the maintenance of marriage ties, which the collusion or negligence of the parties cannot impair.

That is the English law, and common sense shows that it is right. Parliament is not a court for encouraging immorality. If you adopt the recommendation of the committee in this case, you certainly encourage immorality. The committee did not inquire into the question of connivance, and can any one doubt that when Dillon separated from his wife, he did so in the expectation that she would, from her light character, ultimately do something which would be regarded as a justification for bringing this divorce suit? Is it not extraordinary that the committee persistently refused to allow any evidence as to the moral conduct of the petitioner to be taken? As the report says, the defendant did not appear before the committee, but does not this fact show connivance? Parliament has a duty to fulfil, and, before granting a divorce, should be satisfied that the petitioner deserves it. The hon. member from Barrie may say that the committee was not bound to look into that

question, but the 112th rule provides that it shall be the duty of the committee to inquire into the right of the petitioner to the relief prayed for. It is well known that a man who has been the cause of his wife's going astray, has no right to a divorce. The quotations I have already made show that such is the practice. Therefore the committee, when they refused to take evidence on this point, failed to do their duty under the rules as well as under the law. They have left the House in darkness, and yet we are asked by the hon. member from Barrie to grant this divorce without hesitation. The report says: "The matter of adultery on the part of the petitioner is to be dealt with as a counter charge." That is so, but as the hon. member from Barrie said—not in this case however but in another case.

> Parliament may and ought always to have in regard, not merely the question as it affects the parties, but the effect in relation to morals and good order—the effect which the passing of a particular law might have upon the well-being of the community. Parliament, as the supreme power, has its duties and responsibilities and cannot compromise the well-being of society, but is bound to consider what would most tend to the public good.

Those words are far from being in accord with the utterances of the hon. gentleman to-day. I am surprised at the great zeal shown by the hon. senator in this case, a zeal so great that he loses his memory and forgets all his utterances in the past. The following quotation from an English authority shows that it was the duty of the committee to take evidence as to the moral conduct of the petitioner, even if adultery is not brought as a counter charge by the respondent against the petitioner. I take it from Gemmill on Divorce:

> The rule expressly indicates four defences, condonation, collusion, connivance or adultery on the part of the petitioner. Whether any defence be urged or not, it is made, for obvious reasons, the duty of the committee to inquire into the three first mentioned, and into the fourth, if alleged by respondent against the bill. It may be assumed that if any one of the four be established it is a sufficient ground for rejecting the bill, the chief difference seems to be that the committee only inquires into the allegation of the petitioner's adultery when invoked to do so by the respondent. But it is submitted that Parliament and consequently the committee is not limited to the grounds referred to in refusing to report a bill for relief, but may look at all the circumstances of a case and refuse to confer an advantageous privilege upon an unworthy suppliant, when for example, the condition upon which claim is made has grown out of the individual's own iniquity.

I also find in Mr. Gemmill's book on Bills of Divorce:

> The husband aggrieved only by adultery, could demand, as it were, *ex debito justitiæ*, a divorce *a vinculo*, unless his own conduct has been censurable.

I may be told that supposing he is a Catholic (I will prove that he admits it himself), the very fact of this man making an application for a divorce shows that he is no longer a Catholic. Not at all. There has been more than one Catholic, who, forgetting his duty, has gone over to the United States to get married, but they have all, in the end, returned to the fold penitent and professing a desire to lead a better life. What evidence have we that it will not be the same in Dillon's case? A man cannot change his faith to suit circumstances. Dillon is a Roman Catholic still. Presumption makes him so until evidence to the contrary is given, and he, in his heart, believes that the tie which binds him to his wife can only be severed by the death of either of them. The committee refused by a vote of 6 to 1 to allow questions to be put which would show what Dillon's religious views are. The committee did wrong, but that cannot be helped now. The course followed by the committee was not in accordance with the views enunciated by the Chairman of the Committee (Hon. Senator Gowan) in 1888, when the question of the necessity of removing from Parliament the power of granting divorces was under discussion. The hon. senator, after having expressed his opinion against creating a divorce court, because it would tend to increase the number of applications, spoke of the advantages of leaving to Parliament to deal with such cases. He added:

> Parliament can properly bring in view considerations of expediency or public advantage. A court of justice is necessarily restrained within fixed limits—Parliament decides whether the charges are proved, whether they constitute such a case as should entitle the party to a special act for relief and what relief, if any, should be granted to the party, in view of all the circumstances: and Parliament may and ought always, to have in regard, not merely the question as it affects the parties, but the effect in relation to morals and good order: Parliament as the supreme power has its duties and responsibilities—and cannot compromise the well-being of society.

I am surprised at the great change which has taken place in the mind of the hon. chairman of the committee. Some few years

ago, in his opinion, Parliament could bring in view considerations of expediency, a court would not. Parliament ought to have regard not merely to the question as it affects the parties but the effect in relation to morals and good order. To-day, the hon. gentleman is quite of a different opinion as far as this case is concerned.

I agree with the hon. gentleman that Parliament has its duties and responsibilities and cannot compromise the well-being of society. But would not Parliament greatly compromise the well-being of society if it should grant a divorce to the petitioner and allow him to marry another woman? His wife, to whom he must believe he is united for life, is still living. While they both live she must continue to be his wife according to his own conscience and to the teachings of the church he was born in and in which he has lived and to the formula which he heard read to him at the foot of the altar when he took the oath that he would be true for life to that woman. Will not Dillon be living knowingly in adultery if he believes that this Parliament has no power to sever that tie? Will he not be living in adultery according to his own conscience? Parliament having granted him full power to marry another woman, no doubt it would be legal, and if legal you cannot punish him for what his own conscience must tell him is grossly immoral conduct. Will not the whole population of Montreal and of the province of Quebec, nay, probably the whole Dominion, look at him as a man living with another woman while his wife is still living? Is that what the hon. gentleman from Barrie meant when he said that Parliament should not compromise the well-being of society? If Parliament should grant this divorce, would it not then fulfil those important duties referred to by the hon. senator? Would it relieve them of the responsibility attached thereto? Certainly not; Parliament would only be creating a public scandal. Would it not be an inducement to others to so separate from their wives in order to achieve the same end? Would this be exercising that strict vigilance and circumspection so often recommended by various authorities. Again I heard the objection the other day, and I have heard it repeated to-day, that Parliament has not to consider the creed of the party. And why not? Have you not every day to take into consideration the creed of the different classes of our community. Did not Sir John Macdonald do so in 1872, when he withdrew a bill concerning a case of divorce on the third reading when I rose in my place and told him he should not pass the bill because the Catholics objected on religious grounds? You will find it in the Journals of the Commons. I waited till the third reading because I thought others would raise the objection, but on the third reading, nobody having taken exception to the measure, I said "I cannot allow this bill to pass, the Catholics cannot vote for it," and Sir John withdrew the bill. Why should we not exercise as full discretion in this matter? The hon. member from Barrie, in his remarks which I have quoted, says that Parliament has all this discretion; that there is no law to bind them on this question of divorce. Very well, why then would not Parliament take into consideration the fact of a man whose conscience tells him that he is not at liberty to marry and does not allow him to live legally in adultery? Parliament has full discretion in the matter, and it is one of its bounden duties in its supreme authority, to have regard to the question, as it affects morality and good order. Not very long ago we passed a bill concerning oaths. In that bill we considered the faith of the different persons who had to take an oath; and did we not say that those who did not consider it right to take the oath and lay their hands on the holy book could raise up their hands, which for them would be an oath? Is it not taking into consideration the faith of the different parties with whom we have to deal? Would it not be well, in dealing with a question of the greatest importance, that Parliament should exercise its supreme power and discretion when evil results would follow? Is it not expedient and to the advantage of the public, that such a case should be treated with great severity? Please consider, hon. gentlemen, that the petitioner told the committee and he now tells this House by the documents he filed and which are on the table, that he is a Catholic, that he was married by a priest of the Church of Rome, in Montreal at Notre Dame church, according to the rites of the Catholic Church. Is not this telling the committee, telling this House, that he believes in the sacrament of marriage, in the indissolubility of the tie

which binds him for life to the woman of his choice? Is not this telling Parliament that he never believed Parliament had such a power as "to put asunder that which God hath united," according to those words of St. Matthew:

> He who made man in the beginning made them male and female. For this cause shall a man leave father and mother and shall cleave unto his wife, and they two shall be one flesh. Wherefore they are no more two but one flesh. What therefore God hath joined together, let not man put asunder.

The question has been asked whether any cases of Catholics applying for divorce have come before us? I do not know whether they have or not, because we do not always learn whether people coming from other provinces are Catholics or not Catholics, but this I say, that in the province of Quebec, when the union took place, we had never seen Catholics divorced. It was understood at the time of confederation that divorce would not be granted to Catholics. Sir George Cartier, in explaining the matter, said that at the time of confederation the question of divorce had been left purposely to be decided by the Federal Parliament, and taken away from Quebec, where the majority were Catholics. This was done in order that Protestants might have that which they considered justice.

Hon. Mr. OGILVIE—We have had divorces of Catholics during the last seven years, and French Canadians too.

Hon. Mr. BELLEROSE—I have no opposition to the granting of a divorce of that kind in this case—divorce from bed and board. They have had that already in the courts of Quebec.

Hon. Mr. OGILVIE—That is separation.

Hon. Mr. BELLEROSE—It is divorce, and so-called in the laws of England. In England it is called divorce from bed and board, which is different from divorce *a vinculo*, which is asked for in this case. I would have no objection to divorce as we have it in Quebec, but I deny that any divorce *a vinculo* was ever granted in Quebec before confederation, and since confederation none have been granted to Catholics in the province of Quebec. But hon. gentlemen must remember that even with Catholics it may happen, that some few may have received relief, when they were not known to Catholic members of this House. In the present case it is only by accident we know of this case. It might have passed without our knowing anything about it; but I was told "those parties are Catholics, the woman is a French woman." I rose then and said, "I take objection." I am not responsible for those parties whom I do not know, but I am responsible for parties whom I know, and I cannot remain silent but must defend such immoral legislation when it is possible for me to do so. If you refer to the civil code of Quebec you will find that it states positively that the tie of marriage is a tie which no man can sever. I refer your honours to article 185 which reads thus:

> Marriage can only be dissolved by the natural death of one of the parties, while both live it is indissoluble.

That is the law of Quebec, and is this Parliament ready to vote that down? Is Parliament prepared to say that those people, though they are Catholics, though they know that they are not free to marry and in violation of the laws of their province, shall be given full liberty to marry and so live in adultery under the protection of a federal Act of Divorce? I am sure with all those considerations there will be a pause before this House takes the responsibility of proclaiming to the world that we in Canada have granted the right under the sanction of law to a man to live in adultery for life.

Hon. Mr. SCOTT moved the adjournment of the debate.

The Senate adjourned at 6 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, May 16th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE ORDER OF BUSINESS.

Hon. Mr. POWER—Before the Orders of the Day are taken up, I wish to call attention to what I take to be an error in making up the Orders. It will be observed by hon. gentlemen that the resuming the

debate on the motion of Mr. Gowan for the adoption of the fourteenth report of the Committee on Divorce is placed at the end of the Orders. Now the committee appointed to revise the rules of the House, struck by the inconvenience of the practice of putting the unfinished business of one day at the foot of the Orders of the next day, amended the rule with respect to unfinished business, and it was adopted by the House in the following shape :

12. The Orders of the Day, which at the adjournment have not been proceeded with, are considered as postponed until the next sitting day, to take precedence of the Orders of the Day, unless otherwise ordered.

12*a*. An Order of the Day which at the adjournment is under consideration shall stand first on the order of the following day, next after orders to which precedence has been assigned under this rule unless the Senate shall order otherwise.

There were no other orders on yesterday's paper which had not been proceeded with, and consequently the matter of the consideration of this report should stand first on the Orders of the Day next after the third readings. A subsequent rule provides that the third readings of bills shall, notwithstanding anything in rule number 12, take precedence of all other business, unless there is a special order made about it. The third readings therefore come first, and then comes this discussion on the report of the Divorce Committee. Consequently the item which is number 19 on the Order paper should be number 9 and come in after the third reading of Bill 43. I think the Clerk should be instructed to make that correction so that when we come to read the order it will be number 9.

Hon. Mr. ALMON—I hope the suggestion of the hon. member from Halifax will take effect to-day. We are all anxious that this matter should be settled. It is the most unpleasant matter that has been before the House for many a long day, and when we consider this question as one that will divide many of us on race and creed lines it is to be deplored. It has been said that because a man is born in a stable he is not necessarily a horse, but there is something in the accident of one's parentage. If my parents had been Roman Catholics, I should likely be a Roman Catholic also. I think this matter should be settled as soon as possible and I trust that this will be the last question of the kind which will divide us by race or creed, for the present session at all events.

Hon. Mr. KAULBACH—I presume the suggestion of the hon. gentleman from Halifax is approved by the House and that the correct position of the order is the ninth on the paper.

Hon. Mr. POWER—There can be no question about it.

## THIRD READINGS.

Bill (40) "An Act to incorporate the Elgin and Havelock Railway Company."—(Mr. Dever.)

Bill (39) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. DeBoucherville.)

Bill (47) "An Act to revive and amend the Act to incorporate the Brandon and South-western Railway Company."—(Mr. Perley.)

Bill (48) "An Act respecting the Montreal and Ottawa Railway Company."—(Mr. MacInnes, Burlington.)

Bill (22) "An Act respecting the Winnipeg and Hudson Bay Railway Company, and to change the name thereof to the Winnipeg Great Northern Railway Company."—(Mr. Sutherland.)

Bill (21) "An Act to incorporate the St. Clair and Erie Ship Canal Company, as amended."—(Mr. Vidal.)

Bill (56) "An Act to incorporate the Dominion Women's Christian Temperance Union."—(Mr. Vidal.)

Bill (43) "An Act to amend the Act respecting the Ladies of the Sacred Heart of Jesus."—(Mr. Robitaille.)

## THE DILLON DIVORCE BILL.

CONSIDERATION OF COMMITTEE'S REPORTS.

The Order of the Day being called,

Resuming the debate on the motion of the Honourable Mr. Gowan for the adoption of the fourteenth report of the Standing Committee on Divorce in *re* Dillon relief Bill.—(Hon. Mr. Scott); —and

Consideration of the Minority Report of the Standing Committee on Divorce in *re* Dillon relief Bill.—(Hon. Mr. Kaulbach.)

Hon. Mr. SCOTT said : Except when some important constitutional question had

to be discussed in connection with bills of divorce before this chamber, it has not been the practice of the Catholic minority here to enter on a debate on the merits of such bills. They as a rule—and I am not aware that there had been a departure from that rule—have affected only those belonging to the several denominations of Christians who believe in divorce, and who consider that the marriage bond is only a contract which can be dissolved by the Parliament of Canada. So long as divorces were limited to those who differ from us in religious belief, it was proper and right that we should, as far as practicable, abstain from interfering in the passage of those bills, except to mark our silent dissent. They were usually allowed to go on a division, but when a new departure takes place and the fathers and mothers of 2,000,000 of the people of this country are told that the Parliament of Canada is superior in spiritual matters to the ecclesiastical laws of their church, and that for cause shown and on compliance with the conditions that are required by a Divorce committee that is deputed to inquire into the question, they can obtain divorces, it becomes then a very grave question whether the attention of this Parliament ought not to be called to a departure that is new and one that is not warranted under our constitution. During the years that elapsed between 1841 and 1866 under the union between Upper and Lower Canada there is no instance where a divorce bill was passed in favour of Catholics, nor since confederation down to the present time am I aware that a bill affecting Catholics has been before Parliament. It is just possible that one or other of the parties may have belonged to the Roman Catholic Church. If either of them did, the attention of Parliament was not called to it, and I was not myself aware of the fact ; otherwise it would have been challenged on the very first occasion that a bill of that nature was presented for our consideration. At the time of confederation this question of divorce entered largely into the debates that preceded the acceptance of the terms of union and the Catholics of this country were especially anxious that what might be called the rights and privileges which they enjoyed, and more particularly those belonging to the province of Quebec, should not be disturbed or interfered with. During the time of the union of Upper and Lower Canada there were no fears on that ground, because the representatives of Lower Canada were equal in number with those from Upper Canada, and many of those representatives, though they belonged to other denominations and were Protestants in faith, yet they invariably voted in the House to preserve the rights and privileges of the Roman Catholics of the province of Quebec. They were always loyal to those terms upon which the union was really based, and at the time of confederation when it was suggested that there should be divorce courts, the majority in Parliament were opposed to that, and I am very glad to say that a considerable number outside of the Catholic Church, more particularly in the Church of England and especially that portion of it that is known as High Church, are quite as much opposed to divorce as members of the Catholic Church. However, when the question came up, as it did on several occasions, during the debates on confederation, those who were expounding the terms upon which confederation was being accomplished invariably laid down the principle that the rights of the minority, in reference to this question of divorce, would be religiously observed and protected. Sir Etienne Taché was then Premier, and in the very first speech that he made he referred to this subject. He first discusses the question of representation according to population and the effects of it, and he adds :

> If a federal union were obtained it would be tantamount to a separation of the provinces, and Lower Canada would thereby preserve its autonomy together with all the institutions it held so dear, and over which they could exercise the watchfulness and surveillance necessary to preserve them unimpaired. (The hon. member repeated this portion of his speech in French, for the express purpose of conveying his meaning in the clearest and most forcible manner to his fellow-members for Lower Canada, who would not have apprehended so well the English.)

I might say that the law at that time—not only the ecclesiastical law which was guaranteed to the people of Lower Canada nearly 150 years ago but also the civil law—regarded marriage as indissoluble. The law was then the same as it is to-day. I read now from the latest edition of the Code of Lower Canada, the edition of 1890, chapter 7, on the dissolution of marriage. It is clause 185, and is as follows :

> Marriage can only be dissolved by the natural death of one of the parties. While both live it is indissoluble.

Now this Senate proposes to repeal the Civil Code of Lower Canada by passing this bill. It is proposed to set aside the ecclesiastical authority, which has prevailed in Lower Canada since it was guaranteed by the Crown up to the present time, and also to set aside and repeal the Civil Code of Lower Canada which has been guaranteed over and over again. Continuing the references to the confederation debates, in confirmation of what I have stated that up to the time of confederation and between the union of the two provinces there had been no divorce granted to a Catholic, I quote from a speech made by the late Sir A. A. Dorion, in which he says:

> It is said that at present (that is as things existed just before the union) no Catholic could obtain a divorce either in the present House or in the local legislature under confederation.

Then Sir Hector Langevin, who was Solicitor General for Lower Canada in the Government, follows. The Government were charged by the Opposition, led largely by Mr. Geoffrion, now a member of the other House, and by the late Sir A. A. Dorion, that the effect of the clause as introduced in the British North America Act might be to lead to the conclusion that Parliament would grant divorces to Catholics. They were assured that the divorce law would be more strict in the future—that it was not contemplated to establish divorce courts and that Parliament would not enact any law on the subject but would reserve to itself the privilege and right of saying when a divorce should be granted. Hon. gentlemen are aware that we have never legislated on the subject of divorce. The whole authority for the proceedings which controls and regulates our divorce cases is in the two words in the British North America Act, "marriage and divorce," which belong to the Federal Parliament. We have never acted on that power by formulating any law directing or controlling how divorces should be granted. I have abundance of testimony from leading lawyers in this House who at various times have acknowledged and conceded that there is no guide or regulation with reference to divorce —that we are not guided by precedents in the past, that each case is one for special consideration, that it is purely a question of public policy. I am sorry to say that we have long since departed from those lines and that this House is drifting into the position of being a very easy divorce court for the granting of divorces which probably the courts would not even grant—that everything is made smooth and pleasant, and that divorces now in the last few years go through without question. The condition is simply that of adultery—a very easy one to have fulfilled when man and wife agree to sever the marriage tie. Each finds somebody else, wife or husband, who is better suited to give matrimonial bliss and the performance of the condition required by the Senate is not very difficult—it is a secondary and easy one to accomplish, and so both parties are made free, although on the face of our Act we say that the party that is the least guilty only shall be permitted to marry. But we know that the effect of that is perfectly nugatory, that the one is as much relieved as the other. This Madame Dillon, I see by a report of the proceedings in a letter produced from her, says that she is looking anxiously for the passage of this divorce Bill in order that she may be able to drop the name of Dillon and assume the name of the Count de Villeneuve. She goes to Paris where she finds a great many more in a position similar to hers. Paris probably has more divorced people than any other centre in the world. There was a time—I forget the particular year, but I have it in my notes—when the number of divorces in Paris was greater than the number of marriages. Since that time they have called a halt to some extent. Even in France they were somewhat shocked at the result, but what has it led to? Do we not know that Paris in 100 years would lose its population if it were not renewed from the country districts? They do not have children. There is a scientific way, apparently, now of gratifying the lusts of the flesh and God's ordinances are set aside and man is contributing his share in order to enable that to be more easily accomplished. But I am diverging from my argument.

Hon. Mr. MACDONALD (B.C.)—Do the French courts grant a separation or a divorce?

Hon. Mr. SCOTT—A divorce. They commenced in 1796 and the first six months there were 6,000 divorces granted. It was found that the divorces were exceeding the marriages and a change was made, but the result has been where divorces are granted

that the number has depended entirely on the facilities granted. The figures are conclusive in every country. They are doubling up in Canada. In confirmation of this statement I have a list of the divorces granted since confederation. I have not taken the trouble to go into it before confederation because divorce was then so very rare. It was not a prerogative that the Parliament of old Canada cared to exercise. Difficulties were thrown in the way. The Governor General was not permitted to grant his assent—each case had to go before Her Majesty the Queen and be passed upon, and so parties rarely applied. The record of divorces since confederation is as follows:—

| | | | |
|---|---|---|---|
| 1867 | None. | 1881 | None. |
| 1868 | 1 | 1882 | do |
| 1869 | 1 | 1883 | do |
| 1870 | None. | 1884 | do |
| 1871 | do | 1885 | 5 |
| 1872 | do | 1886 | 1 |
| 1873 | 1 | 1887 | 5 |
| 1874 | None. | 1888 | 3 |
| 1875 | 1 | 1889 | 4 |
| 1876 | None. | 1890 | 2 |
| 1877 | do | 1891 | 4 |
| 1878 | 3 | 1892 | 5 |
| 1879 | 1 | 1893 | 7 |
| 1880 | None. | 1894 | 6 |

In 1876 and 1877, we had the Campbell divorce case. We discussed that bill for two years, and finally threw it out. There was a desire on the part of some gentlemen to have a restricted separation, and finally the bill was thrown out.

Hon. Mr. READ (Quinté)—We passed a bill, and fixed the amount of alimony.

Hon. Mr. SCOTT—In the first eleven years of confederation, we had just four divorce cases. Last year we had seven. That shows precisely what we are coming to. I think there is a sermon in that. It does not require any comments upon it—it must strike every hon. gentleman as a very grave and serious matter. In the first eighteen years of confederation, we had only nine divorces, but the publicity given to divorce cases—their being commented on in the press and read in every house in the land—naturally prompted the suggestion that divorces may be obtained, and then, as I said before, apparently of recent years this has proved a very cheap and easy way of obtaining divorces. In the last ten years, there have been forty-two cases. In the early years of our history, there was no divorce committee. It was not struck as the ordinary committees are. Now it is one of our regular committees. A few years ago it was an unusual committee—it was only struck when a case arose; now we expect divorces, and we invite them, in fact, by the policy that we have adopted. We have desired that the question of reservation for the sanction of the home authorities should be removed in order that the Governor General might more promptly relieve the parties here by giving his signature to each bill, and so it has been conceded, and a divorce in Canada is an easy matter. Sir Hector Langevin discussing this question, said:

It means that a marriage contracted in no matter what part of the confederacy, will be valid in Lower Canada, if contracted according to the laws of the country in which it takes places; but also, when a marriage is contracted in any province contrary to its laws, although in conformity with the laws of another province, it will not be considered valid. Let us now examine the question of divorce. We do not intend either to establish or to recognize a new right; we do not mean to admit a thing to which we have constantly refused to assent, but at the conference the question arose, which legislature should exercise the different powers which already exist in the constitutions of the different provinces. Now among these powers which have been already and frequently exercised *de facto*, is this of divorce. As a member of the conference, without admitting or creating any new right in this behalf, and while declaring, as I now do, that as Catholics we acknowledge no power of divorce, I found that we were to decide in what legislative body the authority should be lodged which we found in our constitutions. After mature consideration, we resolved to leave it in the central legislature, thinking thereby to increase the difficulty of a procedure which is at present so easy. We thought then, as we think still, that in this we took the most prudent course. Just so in a question of divorce; the case is exactly analogous. We found this power existing in the constitution of the different provinces, and not being able to get rid of it, we wished to banish it as far from us as possible. One thing it would be vain to deny, namely, that although we, as Catholics, do not admit the liberty of divorce, although we hold the marriage bond to be indissoluble, yet there are cases in which we both admit and require the annulling of the marriage tie—in cases, for instance, where a marriage has been contracted within the prohibited degree without the necessary dispensation. An instance of this occurred very recently. A few months since, an individual belonging to my county, who had married a young girl of a neighbouring parish, without being aware at the time of his marriage of the relationship which existed between him and his wife, found out several months afterwards that they were related in such a degree that they required a dispensation from the bishop. That dispensation had not been obtained. He spoke of it to his wife, who refused to apply for a dispensation, as a step towards the

legal celebration of their marriage. It became necessary, therefore, to have the marriage annulled. The affair was brought before the ecclesiastical court, and after a minute investigation, the diocesan bishop gave judgment, declaring the marriage null in a canonical sense. Regarding it in a civil point of view, the marriage was still valid until it should have been declared null by a civil tribunal. It became necessary, therefore, to carry the case before the Superior Court, and my hon. friend, the member for Bruce, who took the case in hand with his usual zeal and legal address, obtained from the court, after a suitable inquiry, a judgment declaring the marriage null in a civil sense, and ordering that it should be registered as such in all places where it should be needed. If this affair had occurred in Upper Canada, what recourse would the parties have had? The parties being Catholics, the case would have been brought before the bishop, who would also have declared the marriage null after suitable inquiry; but the case would not have had the same conclusion in the civil court, particularly had it depended on certain impediments which have force in Lower Canada, but none in Upper Canada. It would have been necessary to go to Parliament to pray for an Act which in a Catholic point of view, would be a mere decree of separation, but which the Parliament would have termed an act of divorce. This power to grant a separation is therefore necessarily vested in the parliament, by whatever name such a separation may be designated, and we are not to be reproached for the interpretation which others may give to such name, different from that which we assign to it. I thought it right to make myself understood on this point, because I do not choose that people should be able to say we are afraid of explaining our position with regard to the question of divorce and marriage, and I believe that I have shown that our position is consistent with our religious laws and our principles as Catholics.

If they considered divorce easy in those days, what would they think of it now. Mr. Geoffrion in his speech quotes from Sir Etienne Taché in which the latter lays it down that if we obtain a federal union it would be equivalent to a disunion of the provinces and continues:

> If it be true that a Catholic cannot adopt the principle of divorce, and if we are in conscience bound to oppose it in our capacity as legislators, by voting against every measure tending to sanction it, I ask how we can vote for a resolution purporting to vest in the federal legislature the power of legislating on the subject.

Some hon. gentlemen seem to think that we are governed by some principle which has been laid down in the past in reference to this question of divorce. What I maintain is this, that every case which comes before us is one to be considered purely in the light of public policy—is it in the best interests of the whole community that this divorce should be granted? That is really the important question. We have to-day, in the consideration of this case, to say whether we are going to shock the sensibilities of 2,000,000 people of this country—whether we are going to say to the people of the province of Quebec that we are going to set aside the Civil Code of Lower Canada in this case, and for what and for whom? For a worthless woman who has gone across the Atlantic to live with a divorced man—for I understand that this man is also divorced.

Hon. Mr. OGILVIE—He wants a divorce.

Hon. Mr. SCOTT—He has a wife; I do not think that that improves the situation. He probably will get a divorce when he goes to Paris. This divorce will help Mrs. Dillon. Whether the petitioner will avail himself of this divorce to marry again I cannot say, but I think not. I asked his father why the petitioner sought permission to marry again. I said: "Do you think that is proper and right?" He very frankly said: "No, and he has no intention of marrying again." "Then," I said, "why introduce a clause of that kind when he believes himself that he ought not to be permitted to marry?" Here I am reminded that the committee declined to ask that very question, which I think was exceedingly wrong. This House is entitled to know every possible incident and fact.

Hon. Mr. McINNES (B.C.)—What question do you refer to?

Hon. Mr. SCOTT—The question whether the granting of a divorce would justify his marrying again.

Hon. Mr. READ (Quinté)—That question was not asked.

Hon. Mr. McINNES (B.C.)—I never heard any such question asked in the committee.

Hon. Mr. KAULBACH—Not in those words, but to that effect.

Hon. Mr. SCOTT—I thought I had seen it somewhere. However, I was going to observe that this House was rather drifting away from the true policy which ought to govern it when these questions of divorce came up. Some hon. gentlemen who have

not been long in this House seem to think that there are some guiding precedents which ought to prevail in all those cases. I say each case is dependent entirely on the circumstances surrounding itself, and it becomes purely a matter of public policy whether it is best in the interest of the community, having regard to all the far-reaching consequences of a divorce, that it should be granted. Recollect, as I said before, that granting one divorce means a multiplication of applications for divorces. It means the prompting of men and women, who are now bearing with each other's frailties and who are endeavouring to live together in God's holy ordinance of matrimony, to seek opportunities of getting more suitable mates outside. I am sorry that the hon. senator from Barrie is not in his place, as he in former years gave a good deal of study to this subject and had laid down some very sensible principles to govern the conduct of those cases. In the discussion of the Susan Ash case, this question arose—how far it was a matter of purely public policy, one entirely independent of courts both in England and in other lands, and whether the Parliament of Canada had for its guide anything but its own mere judgment of the case. It was conceded by several gentlemen who took part in that debate that Parliament was supreme and was governed by no rules or precedents. I had laid down that principle very strongly and Mr. Gowan quoting from me said:

> My hon. friend from Ottawa took, in a great measure, the ground from under my feet in the remarks which I intended to offer. The power exercised by the Parliament of this country entirely rests upon a single clause of the British North America Act, and that clause delegates to Parliament the power of dealing with marriage and divorce. That is the sole foundation upon which this inquiry is based.
>
> * * * *
>
> The decision of the courts may be right under the circumstances of the particular case, but I go this length and say that we are not bound by the decisions of the Supreme Court in matters of divorce and I quite agree with my hon. friend from Ottawa when he says that Parliament is supreme in dealing with cases of this kind.

Then in the Tudor case, Mr. Gowan said:

> To sever the sacred tie of marriage is a serious act, and the most careful consideration of each case is incumbent upon us all. Not merely because of the operation upon the marriage *status* of the parties concerned, but because Parliament, unlike a court of justice, is not tied by fixed limits, but may bring in view considerations of expediency or public advantage when making a law; may, and I think should, have in regard the effect in relation to morals and the well-being of society.
>
> It cannot be contended, however, that the judgment could bind Parliament, whether for or against the petitioner, or in any way control its action in finding up the facts or granting relief. The court below had no power touching divorce; that belongs under the constitution to Parliament.
>
> The case between the parties to the bill was before a court with a specially limited jurisdiction—*séparation de corps*—and limited in respect to matrimonial offences specified. A court limited as to relief and otherwise.
>
> It is not so in respect to bills of divorce before Parliament. In all such cases, Parliament, to use the words of Lord Brougham, "is engaged in making a law," and as Lord Thurlow said in the Addison case, "governing ourselves by the exercise of our own wisdom and discretion."
>
> The Senate, as constituent of Parliament, is possessed of this case, and Parliament, I maintain in passing a law touching the *status* of the parties, is not limited or restrained—any law it may deem in the interests of morals, and the good order of society. In this, therefore, it differs from the ordinary tribunals.

Those views have been shared, on many occasions, by many leading members of this Chamber.

Hon. Mr. KAULBACH—The leader of this House took the same view.

Hon. Mr. SCOTT—Yes, Sir John Abbott's opinion is to be found in "Gemmill on Divorce." Coming to this particular case, it would appear from the evidence that the petitioner and his wife were, I presume, born in the city of Montreal, that they were Catholics, that the banns of marriage were duly proclaimed in one of the Catholic churches in Montreal, and that they were married with a good deal of ceremony, apparently, from the number of witnesses, by a Catholic priest in the year 1883.

Hon. Mr. READ (Quinté)—There was not a word said about them being Catholics—only that they were married in Notre Dame Cathedral.

Hon. Mr. KAULBACH—The question was asked by me.

Hon. Mr. SCOTT—I do not think it ought to be necessary for me to go into that question. It is a matter of notoriety and I am sorry indeed that such tender sensibil-

ity was exhibited by members of the committee to blind this House as to incidents which were most important and on which many members of this House feel very keenly. Did the committee suppose that they were going to throw a paladium of protection over the guilty pair, or this guilty woman—that this House was to be kept in ignorance of important facts? It was too shallow to attempt to base an argument upon, and I am surprised that any hon. gentleman should challenge the fact of their being Catholics. I was certainly entertained by the line taken by some hon. gentlemen in defending the proposition that they should be treated so gingerly that even the rules laid down in the law of evidence were not to be observed. This gentleman who appeared before the committee was told not to answer certain questions which I consider most important. Surely Parliament is entitled to the fullest inquiry in matters of this kind. Is it not important to the peace and happiness of the people of this country? Are the feelings of 2,000,000 of the people of this country to be shocked by an exhibition of that kind on the part of a committee of members of this House who attempt to shield guilty parties? I say, and I say it unchallenged, that they were Catholics born, Catholics brought up, and that they profess to be Catholics to-day; that they were married in a Catholic church, and apparently with a good deal of ceremony from exhibit No. 1 that I see before me. They were married in 1883, and it appears they lived together for some years and had two children. Then the petitioner took his wife to Paris. The following questions and answers I take from the report:

Q. Was the intention of separating thought of by you before you went to Paris?—A. I suppose it was contemplated on my part. I had not formed any definite plans.

Q. You say you had no definite plans formed when you went to Paris?—A. No.

Q. You went with her to Paris?—A. I went with her to Paris.

Q. As man and wife?—Yes.

Q. And up to the time of your arrival in Paris you lived as man and wife?—A. Yes.

Q. You say you had contemplated leaving her?—A. I suppose I had thought of it.

Q. Was she aware before you left this country that you had any such contemplation?—A. I am not aware whether she was.

Q. Had you cause at that time that you considered warranted a separation?—A. Our life had been a very unpleasant one for two or three years before.

Q. What was the cause of that?—A. I have stated the cause.

Q. Want of affinity—discord was it?—A. Incompatibility and extravagance.

Q. When had you first cause to impugn her fidelity to you as your wife?—A. Last September.

They went to Paris seven years ago; that would be about six years after he had deserted this woman in Paris. Six years after the separation she is charged with having committed adultery, and it is on that charge of adultery that he comes to this House and asks Parliament for a divorce. Now I maintain that there is evidence from the petitioner's own mouth that he took this woman to probably the worst place in the world, the city of Paris, where he left her. There had been no quarrel between them that would in any way warrant a separation before this.

Hon. Mr. BOWELL—He left her with her father.

Hon. Mr. SCOTT—Yes, but her place was in her own home looking after her children. When a husband chooses to take his wife off to a distant place and set her down in a society that is not very well suited for a light woman who might be tempted to commit frivolities, or something worse, he leaves her in the way of temptation. I say Paris was the very last place to which he ought to have taken her. It was his duty to make his home more pleasant and agreeable to her and not to lead her away to the most dissolute capital in the world.

Hon. Mr. POIRIER—Would Chicago have been better?

Hon. Mr. SCOTT—I do not know that it could be worse than Paris. In this connection I would refer hon. gentlemen to the case of Yateman vs. Yateman which is reported in 2 Probate and Matrimonial Cases, page 187. It depends entirely on whether he was justified in leaving her in Paris. That becomes really the pertinent question. This case I have cited is in some particulars not dissimilar to the one we are now considering. The parties were married in 1852 and lived together until 1856, about the same length of time that Dillon and his wife did, and in 1856 the petitioner took the respondent to Germany and there separated from her under circumstances which, in the opinion of the

court, constituted desertion. He left her there and five or six years after applied for a divorce on the ground that at some time long after the desertion she had committed adultery. The adultery was admitted—there was no question about that—and the judgment of the court was that he had contributed to her adultery and was not entitled to a divorce.

Hon. Mr. McINNES (B.C.)—In that case did he leave her penniless in Germany?

Hon. Mr. SCOTT—I do not really know whether he did or not. I do not think it is an important element at all.

Hon. Mr. McINNES (B.C.)—In the case before us the wife was left with her father, and in addition to that Dillon allowed her $50 a month, besides a private income she had.

Hon. Mr. SCOTT—I do not think that that is important at all. If we were governed in this case by precedent and by the laws of England, presumably this would be a pretty strong case against the petitioner. But the question for us to consider is whether we think it is politic, whether it is in the best interests of this country.

Hon. Mr. POWER—The husband did support his wife in the case to which the hon. gentleman has referred.

Hon. Mr. SCOTT—I did not know whether he had or not. It only makes the cases even more parallel than I supposed they were. I presume this Parliament will have some regard for the views and feelings of 2,000,000 people who live in this country, and they will, at least, not strain a point in interpreting the rule that ought to be followed in cases of this kind.

Hon. Mr. DEVER—Do you believe that those people are Catholics?

Hon. Mr. SCOTT—Certainly they are.

Hon. Mr. DEVER—A man who makes an application here for divorce!

Hon. Mr. SCOTT—Yes.

Hon. Mr. DEVER—He cannot be.

Hon. Mr. SCOTT—You can send the matter back to the committee, and I pledge my honour here that they will both answer that they are Catholics. And what do you propose to do? To create a crisis in our history by granting a divorce of this kind. Assuming that you grant this divorce, and the petitioner marries again under this bill, and that he is excommunicated by the Archbishop of Montreal, what follows? An action in the court. He pleads that the Parliament of Canada is superior to the ecclesiastical law that prevails in Lower Canada, and that the Parliament of Canada granted a divorce. Do you think that is a happy condition of things?

Hon. Mr. McINNES (B.C.)—I think it is a correct thing.

Hon. Mr. SCOTT—I am very sorry that we have that condition of things; that we have an hon. gentleman who is willing to offend the sensitiveness of a large portion of the people of Canada by taking the part of a miserable wretched woman who is now on her way across the Atlantic to live with a man who is not her husband. The hon. gentleman would carry that principle so far as to have no regard at all for the tender sensibilities of the larger number of his fellow-beings. Does the hon. gentleman consider that a wise thing to do? Apart from any other question, supposing I were to rest it entirely on that single point, would you think it proper, or reasonable, or just, that you should, for the sake of granting a divorce in this particular case, offend the whole of the Catholic population of Canada and of the province of Quebec, more particularly, who are so sensitive on this subject? I do not believe you would. Although my hon. friend says so now, I do not believe in his better judgment or reasoning he would maintain any such view.

Hon. Mr. MACDONALD (B.C.)—How many Catholics would care about it? Not more than half a dozen.

Hon. Mr. SCOTT—I can assure my hon. friend that they will all feel very keenly about it, and very many leading Episcopalians will feel keenly about the facility with which divorces are granted. They recognize that there is no greater evil prevailing than this multiplication of divorces, and they regret that divorces are increasing every day. I have given figures that are most conclusive,

so far as Canada is concerned. Do you think it is wise and prudent and in the best interest of the country to go on multiplying divorces? If they increase in the same ratio that we have seen in the last few years, we will have 50 cases very soon. Would hon. gentlemen say that that was a proper state of society, that so many homes should be broken up, that so many children should be illegitimate, that the foundations upon which society is based should be wrecked? Surely hon. gentlemen who give any attention or thought to the subject must recognize that that is a condition which we would all deplore.

Hon. Mr. BOULTON—Separation would produce the same effect.

Hon. Mr. SCOTT—No, because there would be no right to re-marry.

Hon. Mr. ANGERS—They have separation now.

Hon. Mr. SCOTT—The parties have already separated. In the first instance they sought the law of the country, and obtained a separation, a regular decree, dated 31st October, 1892. The court having heard the plaintiff by his advocate, and considered the proof, adjudged that the wife had been guilty of adultery on the date set forth, the judgment is that the plaintiff shall remain separate from his wife and shall be given the control of the children. It practically annuls the marriage, as far as separation, but neither party has the right to marry again.

Hon. Mr. MACDONALD (B.C.)—It continues the immorality just the same.

Hon. Mr. SCOTT—No, it does not; if this woman were to marry she could be punished for bigamy, but she could not be punished for bigamy if you grant the bill in the shape it is to-day.

Hon. Mr. MACDONALD (B.C.)—There would be no marriage, but there would be immorality just the same.

Hon. Mr. SCOTT—Now, I hold in my hand what is called the minority report. The following question being put to the witness by the Hon. Mr. Kaulbach: "Are you an Irish Roman Catholic?" was objected to by the Hon. Mr. Lougheed. He moved that the question be struck out of the evidence as irrelevant to the issue, and it was struck out. Then the witness was further asked: "Were you married according to the rites of the religious denomination to which you and your wife belonged?" "Or according to the rites of the church to which you and your wife still belong?" "Have you the same religious faith that you had then?" That is the question that some hon. gentleman said was not asked. Then the petitioner was asked: "Do you believe in the validity of a divorce *a vinculo* granted by this Parliament?" All these questions were submitted and not answered. Now, will it be maintained that it is treating the House fairly to suppress important inquiries of that kind?" I say no. In any court of justice those would be proper questions to be asked. Under the criminal law, as it passed last session, those were proper questions. All parties now, in civil and criminal proceedings, can be put on the stand and sworn and are obliged to answer. They can be cross-examined to any degree that may be necessary. Those were certainly most important questions, whether the petitioner believed that the marriage was a sacrament or only a contract. If the marriage was only a contract, it could be broken by an Act of Parliament. Was it not important that the House should know it? If, on the contrary, he regarded it as a sacrament of the church, and thought it wrong to violate the oath he had taken at the marriage ceremony, ought not the House to be aware of the facts? Surely we ought to be possessed of all those facts, and I say it is very unfair to this House to attempt to suppress evidence of that kind which must of course come out. You cannot suppress things of that sort; it is impossible to do it.

Hon. Mr. KAULBACH—And questions put by a member of the committee.

Hon. Mr. SCOTT—Yes, by a member of the committee who certainly should be privileged to ask any question he thinks proper. I never heard of anything so inconsistent and arbitrary. In a court of justice those questions would have been perfectly proper. When a man comes up to swear on the Book have you not the right to ask him whether he

is a Jew or Gentile? Now is this not a pertinent question?

Have you been faithful to your marriage vows, as far as adultery is concerned, up to the time you instituted proceedings for this divorce?

The question was objected to by the Hon. Mr. McKay. The following answer was made by the witness:

I decline to answer on the advice of counsel.

Ought not the petitioner to come into this court of Parliament with clean hands? Do we propose to grant a divorce to a man who might be already an adulterer? I think it was very unfortunate that this question was not answered. I should hope that it could be answered that he had not committed adultery; and I think it is only fair to the petitioner that he should have been requested to give an answer. We are now left in doubt; everybody who reads the proceedings is left in doubt. Naturally many persons formed an opinion that was not just or correct about so important a fact as coming to Parliament and asking for divorce when the petitioner may or may not have committed adultery himself. Certainly if he did we ought not to grant a divorce. From the standpoint even of those who favour divorce, the petition should not be granted. Yet the committee, for some reason or other, suppressed all those questions. I think it is exceedingly improper and is not fulfilling the duties of the committee or the conditions on which those papers were referred to them. Hon. gentlemen, I suppose, know what the Catholic doctrine is. It is as old as the days of Adam, when God formed Eve out of Adam, and when one became flesh of the other: and it is mentioned in the Christian dispensation in a variety of texts. Hon. gentlemen may laugh, and smile, and sneer at it, but I presume we all profess the Christian religion, and all have belief in the New Testament. I have under my hands what is known as King James's Testament, which I believe is the accepted authority, published by the British and Foreign Bible Society, in which the views of Catholics and the views of a very considerable number of persons not Catholics, are very clearly enunciated; I presume hon. gentlemen are familiar with the verses as they appear in a variety of places in the New Testament, in which the law is distinctly and emphatically laid down. "For this shall a man leave his father and mother and cleave to his wife and they twain shall be one flesh." And then "they are no more twain but one flesh." "What therefore God hath joined together let no man put asunder." And it is laid down in a variety of places that whosoever putteth away his wife and marrieth another, committeth adultery, and who marries her who is put away commits adultery. Those passages occur in various places in Scripture, and there is no place where there is authority for a person to re-marry. There is authority to put away the wife, or husband, where either has committed adultery, but there is no power to re-marry. Now, as one of the evidences showing the enormous increase of divorces where facilities are afforded, I quoted France a few moments ago, where it appeared that in seven months, in 1792, six thousand persons in Paris alone obtained divorce, and in the five years afterwards there were more divorces than marriages. In the United States in the year 1867, there were 9,637 divorces, and in 1886, 25,505. I have not the figures of the present day, but they are in a very largely increasing ratio. While the population only increased 60 per cent, the divorces increased 167 per cent. One of the consequences which appear to flow where divorce laws are loose is that the number of illegitimate children largely increases. In France they number seventy-four for each thousand of those born. In the United States they number seventy; they seem to keep pace one with the other. In conclusion, I would make this remark. I trust if this House is disposed to pass this bill—which I hope it is not—that then the clause allowing the petitioner to marry again should be struck out. If hon. gentlemen have any doubt on any facts that I have brought under their notice in reference to the views of the petitioner respecting the power of Parliament to allow him to re-marry after divorce has been obtained, it would be proper that this bill should be sent back to the committee with instructions to take evidence on that point. I think it is an important matter, because if the petitioner were to state that he does not propose to avail himself of that provision of this bill, then it either should not be passed, or a clause should be inserted that this unfortunate woman should not be permitted to re-marry. The effect of granting a bill of that kind is to permit the guilty party to marry just as readily as the

person who is assumed to be innocent. That is the effect of the law, and practically we are, probably, relieving her rather than relieving him.

Hon. Mr. OGILVIE—Some statements have been made in the course of the debate that I could not possibly allow to pass unchallenged. The hon. gentleman from Lunenburg yesterday made the extraordinary assertion that the petitioner in this case was as much to blame, even more to blame than the person from whom the divorce was asked, stating that he had taken his wife over to Paris and deserted her there. He did not mention that Mr. Dillon had taken his wife over to her father, who is a man of good position and wealth in Paris, and left her there with him. I do not know what better he could have done, if they could not get along together, than to leave her with her father. Part of the truth being told sometimes has a much worse effect than a statement which is untrue altogether. The hon. member also stated, and the hon. member from Ottawa reiterated it, that they never knew of any Catholic getting a divorce before. Their memories must be very short indeed, because we had one in 1887. The father of the woman was from Richmond, she was married in Sherbrooke, and she came here and obtained a divorce. Then, last year we had Heward, of Montreal or St. Johns, who was married to Miss Coursolle.

Hon. Mr. ANGERS—No, to an English lady.

Hon. Mr. OGILVIE—Well, to a Roman Catholic.

Hon. Mr. ANGERS—No, you are mistaken. One of the co-respondents was a Catholic, but he was not the petitioner.

Hon. Mr. OGILVIE—I must be mistaken then, but there is no mistake in the Sherbrooke case ; and I think there are others as well, if I could recollect them. I was rather more amused than anything else at the hon. gentleman from Ottawa talking about the ease, cheapness and facility with which divorces are obtained here, comparing this with other countries. It is the law of the Dominion that under certain circumstances people can obtain a divorce, but if any one tries it he will find that it is exceedingly dear. I do not know anything that would deter any person from coming to ask for a divorce so much as having to come before two bodies like the Senate and the House of Commons, and the best proof we have that it has so deterred them is, that while in other countries divorces are granted by the thousand or by the twenty-five thousands—as the hon. gentleman from Ottawa stated, and I presume it is correct—in our country we grant one, two, three, five, six, or perhaps seven each session, in a population of between five and six millions. I do not think that that can be considered a large number, and I do not think the divorces are obtained with facility, but the contrary. I do not know of any way in which you could grant divorces which would be less objectionable than this. Then referring to Lower Canada, evidence was taken in the courts there some year or two ago, and the court granted a *séparation de corps* to this Mr. Dillon, and that is next door to a divorce. It proves that the Divorce Committee is right, and I do not like to hear the criticisms that have been passed upon that committee. There are able, experienced men upon that committee, as good men as we have in this House, conscientious men doing their duty rightly, and it is a very severe criticism to pass upon them, but I suppose their reputation will quite bear anything that has been said about them. I do not think in this House we would have any right to ask whether a man is a Jew or Gentile, Catholic or Protestant, if he is a citizen of Canada, and comes here asking to be relieved or protected under the laws of the Dominion, if he has done everything that is legal and brought the matter properly before the committee. If it is the law that the divorce should be granted, I do not see how you can refuse it.

Hon. Mr. SCOTT—There is no law that it should be done ; we have simply the power if we choose to exercise it.

Hon. Mr. OGILVIE—Well, that power is law, and I do not see how it can be refused to one and granted to another. A senator in this House, who is as good a Roman Catholic as any one, and a conscientious man, stated that he could not be a good Catholic and ask for divorce. I say we have nothing to do with that, but I think it a pity that so much has been said

about the committee, and that when remarks are made about Mr. Dillon leaving his wife in Paris, as if he had deserted her there, the whole truth is not told, that she was left there with her father who is in a first class position, and I fail to see what better the petitioner could have done.

Hon. Mr. McINNES (B.C.)—I am exceedingly sorry that this question has come before the House.

Hon. Mr. SCOTT—It must come here. It could not be kept out.

Hon. Mr. McINNES (B.C.)—I shall endeavour to enlighten the hon. member as to how it could be kept down and suppressed before I sit down. The hon. member from Ottawa started with the statement that it was unfair, unjust and unreasonable that the Divorce Committee and this Parliament should offend the sensibilities of two millions of the population of this country who believe, from what I understood him to say, that the Church of Rome is superior to the State.

Hon. Mr. SCOTT—Those were not my words.

Hon. Mr. McINNES (B.C.)—I may say plainly and unmistakably that I for one will not submit to any church being superior to the state or to the Parliament of Canada. I am as tolerant as any hon. gentleman in this House. I would refrain from hurting the feelings or sensibilities of any religious denomination, be it small or great, but I demand equal justice and fair-play to all. That is why I expressed my dissent when the hon. gentleman from Ottawa placed the church ahead of Parliament, or of the state. Thank goodness we are living in a country where the people are free, where Parliament is supreme, where the civil rights are enjoyed by all alike, and as long as I live and have a voice I will uphold those rights. The hon. gentleman then stated that if the Parliament of Canada passed this bill they would be annulling to a certain extent the civil code of the province of Quebec. If so I shall be very much surprised, inasmuch as we have had a great number of cases from that province before us, and in every instance, as far as my memory serves me at present, the petition was granted.

Hon. Mr. SCOTT—The petitioners were not Catholics.

Hon. Mr. McINNES (B.C.)—It does not make one scintilla of difference whether they are Roman Catholics or Protestants.

Hon. Mr. MASSON—In Lower Canada it has been decided that the ecclesiastical authority shall be the law of the land, for the Catholics at any rate. The Protestants are not under the control of the ecclesiastical authorities in Lower Canada.

Hon. Mr. McINNES (B.C.)—Am I to understand that you have two laws in the province of Quebec—one for the Catholic majority and another for the Protestant minority?

Hon. Mr. MASSON—I know we have one for the Catholic majority.

Hon. Mr. McINNES (B.C.)—You are not sure about the other, but has it ever occurred to the hon. gentleman that it is possible to change people's religion as well as their politics?

Hon. Mr. MASSON—They must, by the law, give six months' notice of the change.

Hon. Mr. McINNES (B.C.)—Of their intention to change their religion?

Hon. Mr. MASSON—That is, as to the legal authority.

Hon. Mr. McINNES (B.C.)—The point I wish to make in this connection is this: that although Dillon and his wife were undoubtedly Roman Catholics when they were married, and were married by a Catholic priest and under the rites of the Roman Catholic church, they cannot be very good members of the church, if they are Roman Catholics at all, at the present time. As I understand it, a person who comes to the Parliament of Canada for a divorce cannot be considered a member of the Roman Catholic Church. Does the doctrine prevail, once a Roman Catholic a Roman Catholic for ever? The doctrine prevailed at one time in Britain that once a British subject always a British subject. I think it is just possible that Roman Catholics, like Protestants, sometimes change their religion, and I do not believe that there is any law in the province of Quebec to prevent them doing so. I hope there is not and it is presumptive evidence,

on the very face of it, that the petitioner coming here for a divorce is not a member of the Roman Catholic Church to-day.

Hon. Mr. MACDONALD (B.C.)—Or of any other church.

Hon. Mr. McINNES (B.C.)—Probably not a member of any church.

Hon. Mr. KAULBACH—Why was not the question answered?

Hon. Mr. McINNES(B.C.)—I will inform the hon. gentleman from Lunenburg why the question was not answered, and why he was requested not to answer. In the first place it was an irrelevant question.

Hon. Mr. SCOTT—No, it was not.

Hon. Mr. McINNES (B C.)—The hon. gentleman from Ottawa appears to understand the proceedings in the Divorce Committee.

Hon. Mr. SCOTT—I understand what the law of the land is.

Hon. Mr. McINNES(B.C.)—I bow to that; but I have been a member of that Divorce Committee for the last thirteen years, with the exception of three years, and never yet have I heard those questions asked a petitioner in that committee; and I challenge the hon. member from Lunenburg, or any other member of the present committee, or any hon. gentleman who has been a member of a divorce committee during those thirteen years, to point to a single case where those irrelevant questions were asked. As I have always understood the business of that committee since I have been a member of it, it is a select committee to ascertain facts—to see that the facts alleged in the petition were proven, and if they were proven to report the facts to the House and let this House pass judgment upon the case. I claim that the question of religion should never enter into the consideration of that committee. I care not whether the petitioners be Protestants or Roman Catholics, Confucians or Mohammedans, whether they were married by a Roman Catholic clergyman or by a captain of the Salvation Army, as long as the marriage was acknowledged to be legal in this land, and there was a violation of that marriage vow, the petitioner should have the relief that this Parliament can grant, if his case were proven satisfactorily to the committee and to this House. I regret very much indeed that a man must waive his judgment and suppress his feelings to pander to this, that and the other influence, or to avoid irritating the sensibilities of some hon. gentlemen. I have never done it, and I never shall do it. As long as I am a member of the committee I shall endeavour to ascertain all the facts essential to a thorough investigation of each case, and as far as religion is concerned, I claim that the issue ought never to have been raised.

Hon. Mr. BELLEROSE—How is it that even since this case was before the Committee, in the Piper case, these questions were put: "In which church were you married? Under what church rites?" Why in one case is it proper to put such questions and in the other case it is improper?

Hon. Mr. McINNES (B.C.)—What better evidence could the committee have than the certified copy of the priest that married the parties? That was before the committee and what was the necessity of taking up time in eliciting a fact which was already before it in the certified copy of the marriage certificate? That is my answer to the hon. gentleman. The marriage must be proved—By whom were you married—was it by a Protestant or a Roman Catholic clergyman—that is admissible, but when a man's rights were to depend on his faith, whether he was a Protestant or a Roman Catholic, an atheist or anything you please, I claim that it should never be taken into consideration, and it has not been, so far as I am aware, in any committee that I have been on.

Hon. Mr. KAULBACH—This is the first case of the kind.

Hon. Mr. SCOTT—The first case under our constitution that I have ever discovered. I have never known of a case and never heard of a case, nor has anybody else that I have conversed with, in which Catholics were concerned. I gave the evidence that it never had been in old Canada and was not contemplated even in the Parliament of the Dominion of Canada. I think I have given pretty positive evidence on that point.

Hon. Mr. McINNES (B.C.)—The hon. gentleman from Ottawa also referred to the fact that during the first 18 years of confederation only some nine or ten divorces were granted in this Parliament. I was under the impression that there were more, but I take the figures he has given. The question may be asked, and very properly put—why were there not more applications for divorce in this House? I will answer it—and I think there is only one answer that can be given. The applications were few because of the very great expense of coming to this Parliament. In fact the unwritten law of this Parliament at the present time is that divorce is only for rich men and rich women, those who have means and can afford to come here and get relief. I venture to say if the number of divorces granted to Canadians during those first eighteen years of confederation could all be got at, you would find that they mount up into the hundreds. Where did they get their divorces? They simply slipped across the line to New York, Illinois, Michigan or some of the adjoining states and there they got divorced. In the very case that we have before us, I venture to say if this Parliament will deny the prayer of the petition, it will not be six months until the petitioner gets a divorce on the other side of the line and he will be a divorced man. Hon. gentlemen say no, but I am of that opinion.

Hon. Mr. POWER.—That is not recognized here.

Hon. Mr. McINNES (B. C.)—The hon. gentleman from Halifax knows better than that. The committee was also charged with trying to deceive the House and suppress evidence.

Hon. Mr. KAULBACH—Hear! hear!

Hon. Mr. McINNES (B. C.)—As a member of that committee I emphatically deny the statement. Every thing essential to elicit the facts in connection with this case was brought out as well as it was possible to bring it out before that committee.

Hon. Mr. SCOTT—Was it a proper question to ask him whether he had committed adultery before applying for a divorce?

Hon. Mr. McINNES (B. C.)—I say it was an improper question, and for this reason—that I know of no case that has ever come before a divorce committee in the last thirteen years in which that question was put. I challenge any man in this House to show a case of this kind.

Hon. Mr. SCOTT—Then they neglected their duty.

Hon. Mr. ANGERS—There was no occasion to put the question, perhaps.

Hon. Mr. McINNES (B.C.)—I understand that even in a court of justice a witness is not asked to criminate himself.

Hon. Mr. KAULBACH—Look at the criminal law of last year.

Hon. Mr. McINNES (B.C.)—I am not a lawyer, but I am speaking now from my knowledge of questions which have been put in the committee, and I think every member, even the hon. member from Lunenburg himself, must acknowledge that it is the first time that such a question has ever been put.

Hon. Mr. KAULBACH—I will not say that.

Hon. Mr. McINNES (B.C.)—The hon. gentleman cannot contradict it.

Hon. Mr. KAULBACH—I have not looked it up. I do not think it is important to know.

Hon. Mr. McINNES (B.C.)—In Gemmill on Divorce, page 118, I find the following:

> In Major Campbell's case on the other hand Mrs. Campbell's adultery being fully proved, her counsel proposed to open matter of recrimination against the petitioner, alleging that he had been living in a state of incontinence, although not prior to the date of the adultery charged against Mrs. Campbell—they were informed that they could not be permitted to enter into such matter.

Hon. Mr. KAULBACH—By whom?

Hon. Mr. McINNES (B.C.)—The committee.

Hon. Mr. SCOTT—The law has been changed since them.

Hon. Mr. McINNES (B.C.)—This was in the Divorce Committee.

Hon. Mr. KAULBACH—Yes, but we have adopted the rules of criminal evidence

and the law of evidence in criminal cases, and that law provides that a witness is bound to answer such a question.

Hon. Mr. McINNES (B.C.)—That may be in a court of law, but I say it is the first time in the history of a divorce committee for the last thirteen years—and I believe before then—that such a question was ever asked a petitioner.

Hon. Mr. KAULBACH—I shall always ask it when I think proper.

Hon. Mr. McINNES (B.C.)—Several hon. gentlemen try to make capital out of the fact that the respondent had been living apart from her husband for no less than six years. In my recollection of other cases before our committee, the average would be four or five years that the parties had been separated, and in some cases the separation had been for eighteen or nineteen years before application was made for a divorce and under circumstances a great deal more trying than the one now before us. When the question would be asked why did the petitioner not apply sooner for a divorce almost invariably the reply would be "We were not in a position to come and ask Parliament to grant us relief." In this case, as the hon. gentleman from Montreal very properly said, Mrs. Dillon was taken by her husband to the city of Paris where her father, a wealthy gentleman, was living and was left there with her father. He did not leave her without money—he settled an allowance of $50 a month on her, and not only that, but I believe she had a considerable private income of her own besides. If he had taken her there and left her in that great city, the wickedness of which has been so graphically described here to-day, then I would consider that he had contributed very largely towards her downfall. While I am on that point I may say I am one of those who believe that the man who separates from his wife is guilty to a considerable extent of contributing towards her downfall. I am free to admit that but in this case it appears that the husband made every provision that he could to keep her out of harm's way.

Hon. Mr. LANDRY—For a living.

Hon. Mr. McINNES (B.C.)—Yes, and she was placed under the guardianship of her father. I do not know whether her mother was living there at the time or not.

Hon. Mr. SCOTT—She is living in Montreal.

Hon. Mr. McINNES (B.C.)—If there ever was a plain case before a Divorce Committee it is the one under consideration. The respondent became utterly abandoned, as was shown by every witness that was examined there, the father and the brother of the plaintiff, the detective and one or two others, all very intelligent men and, as I understand it, all members of the Roman Catholic Church, too. The evidence given, especially by the detective, was so revolting that no man could for a moment condone the offence of the respondent, as described to the committee.

Hon. Mr. SCOTT—There is no doubt at all about that.

Hon. Mr. McINNES (B.C.)—This discussion proves more strongly than anything that has come before this House for a long time the necessity, the absolute necessity, of taking all divorces out of the hands of Parliament and constituting courts of divorce, attaching them to some of the superior courts of the three provinces that are without divorce courts. By coming to Parliament and publishing the evidence and publishing the facts in the *Gazette* and in the local newspapers and disseminating the evidence taken before the committee, more injury is done than half a dozen divorce courts in each province could do. We have a divorce court in British Columbia—we had it before confederation. They have one in Prince Edward Island, one in New Brunswick and one in Nova Scotia. I can speak particularly for the province of British Columbia, and I know that we have a case on an average not oftener than once in three or four years.

Hon. Mr. MACDONALD (B.C.)—About that, and nothing is heard of it.

Hon. Mr. McINNES (B.C.)—You never hear a breath about it. The case is conducted with closed doors, and none of the abominable and demoralizing evidence which this House scatters broadcast through the country ever goes out from the divorce court in our province. I believe that the establishment of divorce courts would have

a tendency to lessen the number of applications for divorce, and it certainly would not demoralize and degrade the youth of our country as the present system is doing.

Hon. Mr. READ (Quinté)—As one of the committee responsible for this report, and possibly a little responsible for the minority report, I think I may be allowed to say a few words upon our action. The committee is charged with certain duties. The committee is not omnipotent—it is governed by certain rules of the House—and in my opinion cannot exceed its powers. Now rule 115 defines the position that I take and the course that I have taken on that committee :

If adultery be proved the party from whom the divorce is sought may nevertheless be admitted to prove condonation, collusion, connivance or adultery on the part of petitioner.

Now it says that the party from whom the divorce is sought may do that. It does not say that the committee have got to be the accusers, that they are to fish for evidence. It goes further and says :

Condonation, collusion or connivance between the parties is always a sufficient ground for rejecting a bill of divorce, and shall be inquired into by the committee.

Then a little further it says :

And should the committee have reason to suspect collusion or connivance, and deem it desirable that fuller inquiry should be made, the same shall be communicated to the Minister of Justice, that he may intervene and oppose the bill should the interests of public justice in his opinion call for such intervention.

Now, my contention is that it is not the duty of the committee to be accusers. The party from whom the divorce is sought is the one to bring the evidence of adultery, and not the committee to find it if possible. That is one of my reasons for objecting to that question being asked—that it was irrelevant and not dealing with the matter referred to us under the rules of the House. We were not given that privilege, and therefore I objected to the question being put. Before confederation I acted as a member of a Divorce Committee, and I must say I was amazed the first time a divorce bill came before us at the action taken by some members of the House. I did not understand those matters then as I understand them now. I saw the report of that committee on the Benning case, voted against by every member holding certain views. I was green at the business, I suppose, and did not understand it.

Hon. Mr. SCOTT—They voted against it on principle.

Hon. Mr. READ (Quinté)—Of course they did, but I did not understand it then and I was amazed at their action. It seemed that in their judgment the evidence did not amount to anything.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. READ (Quinté)—I was under the impression that when any one assumed the position of a senator, he came to the Upper House to discharge his duties as a representative of the people and to do justice to all who came before him. In the case to which I have referred, Mr. Benning asked for a divorce from his wife. He had set apart six hundred dollars a year for her maintenance for life. It was proven that she had occupied the same stateroom on a steamer down the St. Lawrence with a man, and remained with him for some days. It was also proved that she was seen in a house of assignation with the same man. Everything pointed to criminality on her part, and when I saw every member of the House of a particular faith voting against that bill I was amazed. I have seen the same action taken ever since when a vote has been recorded on a divorce case.

Hon. Mr. DEBOUCHERVILLE—They opposed it on principle.

Hon Mr. READ (Quinté)—Yes, I understand that now, but I was green then, and the action of those gentlemen made a very strong impression on my mind. We all know the religious difficulties we had to fight before confederation. We know how touchy we were with one another under the old union of Upper and Lower Canada, when it used to be a subject of complaint on the part of the Liberals that the Conservatives always supported the Roman Catholics in maintaining their religious privileges. In England it was the same Conservative element that supported the Catholics in obtaining the Emancipation Bill. I remember it well. I was quite a boy then. I remember how we were criticised in this country for the stand we took—we were told by our Liberal

friends that we were priest-ridden and that we were greenbacked Orangemen, or something of that sort. I know that several Conservatives lost their elections through voting for Catholic Bills. When confederation was brought about, representatives of all the original four provinces met in solemn conclave. There were no reporters present to take down their remarks. They met to enact a law that would settle these difficulties, and what did they put in the British North America Act on the subject of divorce? That the Dominion Parliament was to have control of marriage and divorce. Why did they not say that divorce should not be granted to Roman Catholics if it was so intended? If it was not intended that all Her Majesty's subjects in this country, irrespective of creed, should have the same right to apply for a divorce here, why was it not put in the British North America Act that Catholics should not be granted divorces? I have in my hand a book which shows there are seventy-seven religions represented on this continent. Are we to inquire into the dogmas of all petitioners who profess those various religions? I contend that the committee is not bound to do anything of the kind. Only a few years ago we had a Jewess applying for a divorce, and she received that consideration at our hands to which she was entitled, and the bill was passed by Parliament to relieve her from the marriage. I am told by her father that she is married now, and happy, in New York. This is the reason why I objected to the question being asked about the petitioner's religion in this case. I considered it was none of our duty to inquire into that question, and nothing I have heard to-day has convinced me that it was our duty to act otherwise than as we did. As I understand, in Nova Scotia and New Brunswick, Prince Edward Island and British Columbia, Roman Catholics are not excluded from the divorce courts, and I do not think they should be excluded here. Again, it seems to be assumed that a man that is brought up in any religious faith must not have an opportunity when he becomes of age to change it.

Hon. Mr. SCOTT—He has a perfect right to do so.

Hon. Mr. READ (Quinté)—He has a perfect right and we are not to know that these people have not changed their religion. It is for the church to deal with them; it is not a matter for Parliament. How are they doing with General Breckenridge in the United States to-day? Is he not to be tried by the Presbyterian Church for his misconduct? It is for the church to deal with Dillon's religion, not for Parliament to do so. If he was a Hindoo he could claim his rights to come before this Parliament and if the evidence was sufficient to grant him relief it would be our duty to report the preamble proved. Now it has been said that divorce in this Parliament is cheap and easy. I pity anybody who has to go through the ordeal. I think there is every protection given and that no injustice will be done to any party. The notice to be given and the careful scrutiny all through the proceedings will protect the interest of the parties and of the public, and no case can go by default merely. I once had a bill here and the party did not get his divorce. I saw he was going to be beaten before the case was half through. He told me the lawyers were drawing upon him every ,other day and if it lasted a little longer he would be bankrupt. I pity anybody who is unfortunate enough to have to come here; the process is far from cheap and easy. Now are we to establish the precedent that no Catholic need apply? If that is what we are to do, when they passed the British North America Act they ought to have put a clause in to that effect and saved us all this trouble. There is nothing more disagreeable to me than to have to take this firm stand, but I must hold to my opinions, and those who are adverse to divorce must take an equally firm stand against it. They do not judge the case on its merits. There can be no doubt that the proof of the woman's guilt is conclusive in this case. Then, if the merits of the case warrant the relief, should we not grant it? We have been told that the committee showed a desire to suppress evidence. I dissent from that entirely. I admit at once that I disapproved of the questions which were ruled out, because the issue that they raised was not submitted to us. We were not to deal with the religion of any persons coming before the committee. All the members of the committee but one thought that the question was irrelevant and had no bearing upon the case. The other question read by the hon. gentleman, with the answer to it, showed that that at

least was not evidence and should not have been put. Then again it is assumed that these people are Roman Catholics. We know that they were married in a Roman Catholic church; it is assumed that their fathers and mothers possibly brought them up in the Catholic Church, but I have heard of proselytism and people changing their religion. It is no uncommon thing for a good strict high church clergyman to go over to the Catholic faith, but you very seldom hear of a Methodist doing so. There seems to be a frail partition between the High Church and Roman Catholic Church, and they go over very easily. I find in a book here that the number of reverend gentlemen who have left the Established Church and joined the Roman Catholic Church is very large. Supposing any of these gentlemen came for a divorce, they would not get it, I suppose, since they joined the Church of Rome.

Hon. Mr. McINNES (B.C.)—Supposing Father Chiniquy came here for a divorce.

Hon. Mr. SCOTT—If he had left the Catholic Church he would be entitled to it. We do not interfere with others.

Hon. Mr. READ (Quinté)—We have got to settle this question whether a Roman Catholic or a Protestant has a right to have justice administered to him by the Parliament of this country. I believe this man has proven the preamble of the bill, and I for one am prepared to vote for it. Of course I have done so already, and I hope the majority of this House will do so.

Hon. Mr. POWER—It is to be regretted that the question of the religious creed of the parties to this divorce bill has taken up so much of the time and attention of the Senate as it has: but that I suppose is what was naturally to be expected. With respect to what has fallen from the hon. gentleman beside me, who has just spoken on the subject, I try to put myself in the place of some one else. I put this case: If these parties, instead of being Roman Cotholics, happened to be Presbyterians; if it were part of the Westminster confession of faith that marriage was indissoluble; if these parties resided in Ontario instead of in Quebec, and if the provincial law of Ontario, existing before confederation, and still in force, declared that these parties could not be divorced; as a member of this House I should feel that the question whether the House should give a divorce to these parties under the circumstances, no matter whether adultery was shown or not, would be one of considerable importance. Certainly it is a question that I should be disposed to give a great deal of consideration to. I do not say that the House should be precluded from granting the divorce or passing the bill in that case, but I submit to hon. gentlemen that there would be at least some reason to consider the position of things; that the feelings of the great majority of the people of Ontario, supposing them all to be of that faith, would deserve to be considered and that consideration should be shown to the law of that province. The Senate would not be bound by the doctrines of the Presbyterian Church, nor by the law of Ontario, but they would deserve consideration. That is my point. Now, different members of this House form different views on the subject. Some hon. gentlemen think that this question of religion and of the laws of the province from which the parties come deserves no consideration whatever. Others think that that question of religion alone settles and disposes of the whole matter. Then there are others who occupy a position between the two, who think that some weight should be given to those circumstances; and I may say that for myself I rather occupy that position. Having said that much, hon. gentlemen, I do not propose to deal with this question of religion or province any further. Inasmuch as they is a difference of opinion in the House, and as the views with respect of the religious aspects of the case have been put very strongly by hon. gentlemen who have preceded me, it is not necessary to add anything further upon that topic. What has been said by the hon. gentlemen from Lunenburg, DeLanaudière and Ottawa on that subject is perfectly true, but as a member of this House, I think it is on the whole better to deal with this question rather as I should be called upon to deal with it if I were sitting as a judge in a divorce court and I had the circumstances of the case before me as we have them here. Even professing the faith which I do, if I sat as a judge in a divorce court it would be my duty, I presume, to decide according

to the evidence and the law, and I think that is the better way to look at the case. Before I undertake to deal with the case in that way, there is just one observation which I should like to make, because two or three hon. gentlemen have animadverted on the fact that the Roman Catholic members of the Senate as a rule oppose divorces. Now, hon. gentlemen, that is true in one sense, and in another sense it is not true. I generally vote against a divorce bill, because I am not quite clear whether I should be justified in voting for it, and I do it in order to save my conscience; on the other hand, perhaps I should be justified in voting for it if the evidence warranted me as a judge in doing so. That is a question which I do not care to pronounce upon; but as regards the practical working of the thing, every hon. gentleman knows that, as a rule, where there are two parties before the Senate, neither of whom belongs to the Roman Catholic Church, the Catholic members of this body do not interpose difficulties in the way of the passing of the measure. This is the point, that there is no practical difficulty interposed. If a clear case, sufficient to satisfy a judge, has been made out, the Catholic members of this body interpose no difficulties in the way of granting a divorce, where the parties, as members of their own denominations, are entitled to relief; but when people come here who are precluded by the doctrines of their church from getting a divorce, it is a different matter. What are the circumstances of this case? I am free to admit that when I heard about this Dillon case—I think before all the evidence was in—I was under the impression that the petitioner in this case was one of the most foully wronged men who had ever lived, and that his wife was one of the most utterly depraved and incurably vicious women of whom I had ever heard. Having read the evidence with a reasonable amount of care, the impression made upon my mind by the perusal of that evidence has been of a totally different character. I am not going to read the evidence, but I may state it generally. These people were married in 1883: they lived together for five years, apparently in about the same way in which many married couples live together; there were three children born of the marriage. It would appear that the dispositions of Dillon and his wife did not altogether harmonize, but it does not appear whose fault it was. The fact that they did not quite suit one another is apparent, or at any rate it is apparent that Mrs. Dillon did not suit Mr. Dillon after the lapse of some years, but it does not appear whose fault that was. After a lapse of five years Mr. Dillon causes a separation in Paris; I think it may be gathered from the evidence that the separation was at his instance. He does not allege that there was any substantial cause at all—simply that their dispositions were incompatible, and that his wife was rather extravagant and did not give as much time to her children as he thought she should. It may be that Mr. Dillon was too exacting. His wife may have been rather fond of society and fond of amusement in an innocent way, and he may have been too severe and too exacting, as husbands sometimes are; but he admits that there was no ground for this separation based upon her immorality, and that is the essential point. When people get married they are supposed, in the words that are used in our church, to take one another for better or for worse. A man does not marry an angel, and as a rule the woman does not get an angel either; and they have to accept one another with their human imperfections. If the woman does not turn out to be quite as angelic as the man fancied when he married her, the man, if he is a man at all, accepts the position and makes the best he can of it. Mr. Dillon did not take that view, instead of bearing with his wife's little frivolities or imperfections, he chose to put her away, and that happened seven years ago. This young woman was left with her father in Paris. I do not animadvert on that fact. I do not think there is anything to be said about that. The evidence seems to show that he left her with her father in Paris, and after a little while she came back to live with her mother in Montreal. The husband came to Montreal and lived there, being absent occasionally for some time in New York and other places, and this couple lived altogether separate and apart for the period of six years; and in the evidence the petitioner states most distinctly that during all those six years he had no ground of complaint against his wife; that there was nothing to be said against her conduct, looked at from a moral point of view, during all those six years. Now, hon. gentlemen, I am not talking of this case as a matter of law. I propose to say something about the law later on; but

as a matter of common sense, if a woman, still young and rather fond of society, is deprived of the society of her husband and of her children, is exiled from society and left to shift for herself in a comparatively gay city like Montreal, what is the result that one might expect to follow? I do not say one would naturally expect it, but what is the result that is not at all unnatural to follow? This man stood by. For six years he allowed this woman, whom he had promised to protect and cherish, to be exposed to temptation, as though he had no care for her, and the very moment he heard that the thing which one might not unnaturally have expected had happened, he took proceedings. Does it not look, not only as though his negligence had conduced to the result which did ultimately occur, but as though he had deliberately thrown that woman in the way of temptation and had done it probably with a view of marrying somebody else to whom he had taken a fancy? That is the way it strikes me, hon. gentlemen. It is not necessary to deal with the evidence; I think I have honestly stated the facts just about as they exist. If any hon. gentleman can tell me where I have misstated the facts, I shall be glad to be corrected. Under these circumstances, supposing these people were Confucians or Mahommedans, would this House be justified in giving a divorce?

Hon. Mr. MACDONALD (B.C.)—As far as the religion went, they would.

Hon. Mr. POWER—I am not talking about religion; I put that aside. Supposing these people had been Mahommedans or Confucians would this House have been justified, as a matter of law and common sense, in granting a divorce to this man?

Hon. Mr. McINNES (B.C.)—They have always done it on much less evidence.

Hon. Mr. POWER—The hon. gentleman says they have always done it. I do not pursue those divorce cases with any care, but I am not aware of any case in which they have done it. I cannot recall a case where a man has separated from his wife without any reasonable cause and remained separated from her for a number of years, and where he has got a divorce afterdswar on the ground of her adultery, subsequent to that desertion on his part.

Hon. Mr. PRIMROSE—The hon. gentleman asked, if he were ignoring anything in the evidence placed before the committee, that it might be brought to his attention. He told us the fault was entirely upon Mr. Dillon. Would he kindly look at the question asked by Mr. Kaulbach on the second page: "Had you cause at that time that you considered warranted a separation?" —that is, before the arrival in Paris—and the answer was: "Our life had been a very unpleasant one for two or three years before." Q. "By reason of what?"—A. "Continued absences from home, neglect of her children and other duties." Should not that modify the statement of the hon. member?

Hon. Mr. POWER—If the hon. gentleman had nothing stronger than that to say, I do not think it was worth while interrupting me. If it is necessary, or if there is any doubt about it, I shall substantiate what I have said by a reference to the evidence. I said something with respect to the intention. The impression left upon my mind, from reading this evidence, is that this man had deliberately formed the intention of getting rid of his wife at some comparatively early stage during their married life. He is asked with reference to what took place in Paris —"Was the intention of separating thought of before you went to Paris?" He replies: "I suppose it was contemplated on my part; I had not formed any definite plans or decided upon any." But he was thinking of the separation and looking forward to it, and his wife knew nothing about it. Their life had been an unpleasant one. If all the husbands and wives whose lives are more or less unpleasant were to be divorced, there would be a very general opening of doors and scattering of families all over the country. And when he was asked what the cause was, he said incompatibility and extravagance. That was his opinion. Now, here are a couple of questions and the answers by the petitioner:

> Had you any cause to suspect that she was unfaithful to you previous to your mutual separation?—A. I had no cause; I had ideas on the subject, but I could not form an opinion; I simply had an impression.
>
> Q. Had you any reason to suppose that she was unfaithful to you during the six years that you were separated?—A. No reason whatsoever. As far as I knew she was living a perfectly proper life with her mother up to the time that I instituted those proceedings for a legal separation.

There is the position, and I do not think any hon. gentleman can point to a case which has come before Parliament where the circumstances have been the same as the circumstances here.

Hon. Mr. ALMON—May I ask the hon. gentleman if he thinks the mother was a very proper woman?

Hon. Mr. POWER—We are not trying Mrs. Dillon's mother at present. We have enough characters in the case without bringing in any more. We should deal with the evidence. I think the evidence clearly bears out the view that I have expressed, that this man had no substantial cause for separating from his wife, and that he placed her in the way of temptation, and when the result has followed that might not unnaturally have been expected to follow, he has to take the consequences. I think he cannot expect Parliament to do what a divorce court would not do for him and dissolve his marriage with this woman. If we were to do that it would simply encourage similar lines of conduct on the part of other husbands who wanted to get rid of their wives. All a man who got tired of his wife and wanted to marry some other woman would have to do would be to separate from her, pay her alimony and throw her in the way of temptation, in the hope that she might fall and he might be free to marry somebody else, and I do not think hon. gentlemen of this House ought to encourage anything of that sort. There is another point that I do not propose to dwell on at any length, but it is worth while calling attention to it before I go to speak of the law. I think this point really deserves a good deal of attention. He was asked:

> Have you been faithful to your marriage vows as far as adultery is concerned up to the time you instituted proceedings for this divorce?

That is the date which is always set in these cases, the time when proceedings begin. This question was objected to and the following answer was made by the witness:

> I decline to answer on the advice of counsel.

Hon. gentlemen will notice that the petitioner declined to answer that question on the advice of counsel. What is the natural presumption? The natural presumption is that if the answer to that question would have been favourable to himself the witness would have answered it. Now every lawyer knows that when a man declines to answer a question like that, the natural presumption is that he could not answer it in a way which would be satisfactory to himself. That he must answer it in a way which is calculated to injure him.

Hon. Mr. POIRIER—I think our Criminal Act provides against that.

Hon. Mr. POWER—I am quite aware it would not expose him to criminal proceedings. But if the witness had been able to say he had been faithful to his marriage vows, does any hon. gentleman say he would not have replied "Yes."

Hon Mr. McINNES (B.C.)—He said he was.

Hon. Mr. POWER—He did not; he declined to answer on the advice of counsel. That was when he was asked if he had been faithful to his marriage vows up to the beginning of these proceedings? And then he was asked,

> Up to the time you went Paris had you during your married life criminal conversation with anybody else? "Most certainly not"

Now should he not have declined to answer that question as well as the other, if he was acting on any principle? Then he adds: "During the whole time of my married life, up to the time I separated from my wife in Paris." If the petitioner was able to continue, why did he not continue, and say "and ever since?" Then he would have put himself before the committee with a clean record, but he does not do that. Is not the natural presumption that he has been unfaithful to his wife since the separation in Paris?

Hon. Mr. VIDAL—It is the natural presumption perhaps, but it is not proof.

Hon. Mr. POWER—I know, but I am putting it to you as men of common sense and men of the world—is not the natural presumption that that man has not been faithful to his marriage vows, and does not that place him in this position, that he comes before the court with a clouded record. According to his own evidence, his wife's record was clear up to a few months ago, and the presumption is that his own record

was not clear, and then because she has fallen, as he previously had fallen, we are asked to pass this bill to relieve him and to discredit her.

I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

---

## THE SENATE.

*Ottawa, Thursday, May 17th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## FREIGHT RATES ON THE C. P. & I. C. RAILWAYS.

MOTION.

Hon. Mr. BOULTON moved :

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, a schedule of the passenger and freight rates of the Intercolonial Railway; and the revenue derived by the Canadian Pacific Company on its western division, between Port Arthur and Calgary, for the financial years ending 1892 and 1893.

He said : The object of my preferring this request is in pursuance of the position that I took before this honourable House in asking that the freight rates of the Canadian Pacific Railway might be laid upon the table in order to ascertain to what extent discrimination was exercised against the people of the western country in consequence of the absence of competition, and how far it was oppressing the industry of the great western country. The Intercolonial Railway being a Government work and carried on by the Government I wish to have the opportunity of comparing the freight rates prevailing upon that line with the freight rates which prevail on the Canadian Pacific Railway on which we reside, and to which we are subjected, although far away from water communication for the transport of our produce. With regard to the other portion of my motion, as to the revenue derived by the Canadian Pacific Railway Company, I think it is a matter of importance that this honourable House should know what proportion of revenue is derived from the country west of Port Arthur. The Canadian Pacific Railway is divided into several divisions : the Atlantic Division, the Central Division and Western Division and the Pacific Division. The Western Division extends from Port Arthur, at the head of Lake Superior, as far as Calgary, at the foot of the Rocky Mountains. The contention has been made that the depreciation in the traffic returns of the Canadian Pacific, which we all regret to see has taken place in the last three or four months, has come from the country west of Lake Superior. I think it is important, especially in connection with the discussion that may further arise with regard to the freight rates on the Canadian Pacific Railway and the discrimination which is exercised against the western country, that we should know exactly what revenue is derived from the carrying trade of the prairies between Port Arthur and Calgary, because it affects the questions that people there are discussing with a great deal of heat and a great deal of anxiety.

Hon. Mr. BOWELL—There will be no objection to the motion passing, but whether the hon. gentleman can obtain the information he seeks, is a question that can only be solved on the application to the Canadian Pacific Railway Company. Whether they keep their books in such a manner as to be enabled to comply with the Order of the House, I am not in a position to say; whether they keep a distinct account of the receipts of each division, of the earnings from the traffic of the road and the receipts derived therefrom, this information can only be ascertained after application is made to the company for an answer to the Order of the House. Of course the information asked for concerning the Intercolonial Railway can be very easily obtained, but I may point out to the House and to the hon. gentleman that I think it would be scarcely fair to make a comparison based on a return of the rates charged upon the Intercolonial Railway, run in the interests more particularly of the country, and not for the purpose of profit, being a Government railway exclusively, with the rates charged by a company run in the interests of stockholders. I merely point out this fact to my hon. friend in order that he may

not come to a conclusion on the comparison, for instance, of coal rates upon the Intercolonial Railway and upon the Canadian Pacific Railway, and considering also the peculiar circumstances under which they were built and also the country through which they run and the principles upon which both these roads are run, it would be scarcely fair to point out to the people of this country that because the Government is running a railway in the interests solely of the whole community, without any hope or expectation of obtaining dividends therefrom, that they would expect private enterprises to be carried on in the same manner.

The motion was agreed to.

## THE DELAY IN PRINTING.

Hon. Mr. BOWELL—The House will remember that the hon. member from Barrie complained a few days ago of delay in the printing of the evidence in the Dillon Divorce case which has been under consideration for a couple of days in this House. I was asked to make inquiry, and in justice to the Printing Department, the Secretary of State has placed in my hands an answer which I will read, and the House will see that it is not the fault of the printing office. The statement sent from the Printing Bureau is as follows:

The evidence came down to the Bureau on Friday, May 4th at 5.30 p.m. The proof was sent to the Senate on the morning of the next day at 1 o'clock p.m., Saturday, May 5th. The proof was returned to the Bureau on Monday, May 7th, at 1 o'clock p.m. and with it came four pages in manuscript of new matter in the shape of exhibits added. Of the whole 350 copies were printed off and delivered at the distribution room of Parliament on Tuesday, the 8th May, at 6 o'clock p.m. and receipted for. On the night of the 7th May four pages more of matter in connection with this case but additional to and separate from, above were received and 100 copies were ordered. These 100 copies were delivered on the morning of Tuesday, the 8th of May at the distribution room of Parliament and receipted for. The whole of the documents were in the distribution room on the 8th May, at 6 o'clock p.m., and the Bureau had nothing more to do in the matter.

I believe the copies of the evidence were not distributed until the 10th or 11th of the month. I place the House in possession of these facts in order that they may see that the fault lies either with our own officers or with the Distribution Office. I trust that the Clerk will take the trouble to see where these delays occur in order that the members may be put in possession of documents and avoid complaints in the future.

## THE ORDER OF BUSINESS.

Hon. Mr. CLEMOW—I presume there will be no objection to proceeding with the second readings of Bills on the Orders before resuming the debate on the Dillon Divorce Bill.

Hon. Mr. POWER—I think there is no objection to doing so.

Hon. Mr. BOWELL—The hon. member from Halifax called attention to this matter yesterday and on looking at the rules I find that he was strictly correct. I should like to know why the unfinished debate on the Dillon Divorce Bill is made the 10th order to-day. I call attention to this, because it should be the first order according to the rules.

Hon. Mr. POWER—I think I said yesterday that the intention of the committee who framed the rules was that the business under consideration at the adjournment should take precedence of all business except third readings, but I had some doubt as to whether the intention was carried out by the rule. All the Orders of the Day on this paper were Orders of the Day yesterday and were not proceeded with. Under the rule they should take precedence therefore unless otherwise ordered. Under the wording of the rule it is questionable whether the order is not correctly made up to-day, and I do not intend to raise any question about it myself. I am disposed to think that the clerk is right.

Hon. Mr. BOWELL—If this order had precedence yesterday after third readings and was then not completed, does it lose its position because it stands over for another day? The House adjourned while it was considering that question, and that being the case it should occupy precisely the same position on the Orders of to-day as it did on the day on which it was discussed.

Hon. Mr. POWER—I do not think it ought to lose its position on the Orders. I do not think it was the intention of the committee that it should, but I am not clear as to the wording of the rule.

## EXAMINATION OF WITNESSES ON OATH BILL.

The Order of the Day being called,

Consideration of amendments made in Committee of the Whole House to Bill (90) "An Act to provide for the examination of witnesses on oath by the Senate and House of Commons."

Hon. Mr. POWER said: I wish to call the attention of the Government to the fact that this bill conflicts with an existing statute with respect to the examination of witnesses. If hon. gentlemen turn to chapter 11 of the Revised Statutes they will find provision there as to the manner in which witnesses are to be examined. Section 20 says that witnesses may be examined on oath at the bar of the Senate and that the oaths shall be administered by the clerk. Then any select committee of the Senate or House of Commons may examine witnesses on oath or affirmation, such oath to be administered by any member of the committee. The bill now before us provides that the oath shall be administered only by the chairman. In the other case it provides that the oath shall be administered by the Speaker or by some other person appointed by the House. I think the bill should be amended so as to make the practice uniform.

Hon. Mr. BOWELL—I would ask the indulgence of the House to let the bill stand for a few minutes. The bill was introduced by the Minister of Justice in the House of Commons and taken charge of by the Minister of Agriculture in this House and may therefore be regarded as a Government measure.

## SEAMEN'S ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of the Bill (13) "An Act to amend the Seamen's Act." He said: This is the same bill, with some slight changes, that was introduced by myself and passed through the Senate last session but which was delayed for some reason in the other House. This year it was introduced by the Minister of Marine and Fisheries, in the Commons, and this House is now asked to give its assent to the measure. The principle of the bill is the same as the principle of last year's measure, to give certain liens on vessels for the recovery of wages and disbursements properly made by the master on account of the ship. The second subsection repeals section 69 of the old Act and adopts a new clause, which provides for the relief of seamen found abroad in distress. The words "domiciled in Canada" mean residence in Canada for six months. These are the only changes in the present law.

Hon. Mr. KAULBACH—Can the hon. gentleman tell us if there is reciprocity on the part of foreign nations? Do foreign nations give the same aid to our seamen?

Hon. Mr. BOWELL—I am not aware that I can give the hon. member a distinct and positive answer, but the same thing is done in England and most of the British possessions. My impression is that the same practice prevails throughout the whole of Europe and also in America.

The motion was agreed to.

## EXAMINATION OF WITNESSES ON OATH BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. ANGERS moved that the amendments made in Committee of the Whole House to Bill (90) "An Act to provide for the examination of witnesses on oath by the Senate and House of Commons," be concurred in.

Hon. Mr. POWER—I called the attention of the House to the fact that there was some discrepancy between this bill and the existing law, with a view to the Minister's securing uniformity if he so desired. With the permission of the House I shall venture to repeat the observations which I made then. The seventh clause of the bill is as follows:—

Any oath or affirmation under this Act may be administered by the Speaker of the Senate or of the House of Commons, or by the chairman of any committee of the Senate or House of Commons, or by such person or persons as may from time to time be appointed for that purpose, either by the Speaker of the Senate or by the Speaker of the House of Commons or by any standing order or other order of the said Senate or House of Commons respectively.

That differs from the existing provision. I do not undertake to say which is the wiser

provision. Section 20 of chapter 11 of the Revised Statutes reads as follows :

Witnesses may be examined upon oath or affirmation when allowed by law at the bar of the Senate and for that purpose the clerk of the Senate may administer such oaths to any such witness.

The clerk is the official there. Section 21 says :

Any select committee of the Senate or House of Commons to which any private bill has been referred by either House, respectively, may examine witnesses on oath or affirmation if affirmation is allowed by law, upon matters relating to such bill, and for that purpose the chairman or any member of such committee may administer such oath or affirmation to any such witness.

You see there any member of the committee may administer the oath, whereas in the bill before us the power is confined to the chairman. I do not undertake to say which is the better provision, but I think it would be well to have them harmonize.

Hon. Mr. ANGERS—I do not think the two provisions conflict at all. Both may be used. In one case it refers to a select committee of the Senate to which any private bill has been referred. In that case the witness is to be sworn by the chairman, or by any member of the said committee. In the bill now before the House it does not apply to select committees specially, because if it did there would be no necessity for the present law. It applies to all committees whether they are special or not.

Hon. Mr. POWER—Every committee, except the Committee of the Whole, is a select committee.

Hon. Mr. ANGERS—They are not called so in the law. Some of them are called special committees and we know what they are, committees charged with a special investigation, and we know what standing committees are : they are formed under the rules of the House also. They differ from what is called a special committee. In the case of a standing committee, this bill provides that witnesses may be examined under oath, which power the standing committees had not before, and it is regulated in which way the witnesses appearing before them may be sworn. They do not conflict with one another, and I see no necessity of making any further amendment in this. There is no contradiction ; one provision is as good as the other.

Hon. Mr. POWER—The bill does not confine the examination to standing committees. The bill says any committee of the Senate or the House of Commons may administer the oath to any witness examined before such committee and then provides that the oath shall be administered by the chairman. Section 21 of chapter 11 of the Revised Statutes provides that the oath may be administered by the chairman or any other member of the committee. However, it is not a matter of very much consequence.

The motion was agreed to, and the bill was read the third time and passed.

## SECOND READINGS.

Bill (41) "An Act to amend the Acts respecting the Clifton Suspension Bridge Company."—(Mr. Clemow.)

Bill (53) "An Act respecting the Calgary Irrigation Company."—(Mr. Kirchhoffer.)

Bill (63) "An Act respecting the Guelph Junction Railway Company."—(Mr. MacInnes, Burlington.)

Bill (64) "An Act respecting the Medicine Hat Railway and Coal Company." —(Mr Kirchhoffer.)

## THE DILLON DIVORCE BILL.

DEBATE RESUMED.

The Order of the Day being read

Resuming the further adjourned Debate on the motion of the Honourable Mr. Gowan for the adoption of the Fourteenth Report of the Standing Committee on Divorce in *re* Dillon relief Bill.—(Honourable Mr. Power);—and consideration of the Minority Report of the Standing Committee on Divorce in *re* Dillon relief Bill.—(Honourable Mr. Kaulbach).

Hon. Mr. POWER said : I may be allowed perhaps, before saying anything further, to express my regret that yesterday I was betrayed on one or two occasions into using language towards hon. gentlemen who interrupted me which was perhaps rather too direct or pronounced. I should perhaps have been more careful in the language I used. It will be in the remembrance of this House that yesterday I expressed the opinion that the Senate should decline to pass this bill chiefly on two grounds. One ground was that the petitioner, by separating himself from his wife

and depriving her of his protection, had conduced to the offence which she undoubtedly committed, and therefore was not entitled to the relief which he seeks; and the other ground was that in taking a view of the evidence which we were entitled to take, it appeared that there was a presumption that the petitioner himself did not come before the House with a perfectly clean record and that for that reason he was not entitled to relief. I put that to the House merely as a matter of common sense and ordinary practical reasoning. I shall now try to show hon. gentlemen that we reach the same conclusion if we look at the thing from the point of view of our rules and practice in this House, and the decisions of the courts of law in England. I may say that it has been shown by I think the three hon. gentlemen who have spoken in opposition to this bill that, taking as authority the deceased eader of the House—the late Sir John Abbott—and the hon. gentleman from Barrie, the House is not bound by any strict rules; that each case has to be governed by its own circumstances, and that the House has a perfectly free hand in dealing with each case and may pass the bill or refuse to pass it just as the House thinks best in the interests not only of the parties to the bill but of the public. Even though that ground be not assumed, I propose to direct the attention of the House briefly to some of our rules which appear to bear out the views which I advocate. Rule 107 has been relied upon by hon. gentlemen who have spoken in favour of this bill. It is alleged that this rule says that the petition must negative condonation, collusion and connivance, that there is nothing said about misconduct on the part of the petitioner and that therefore that does not come before the House. Now I respectfully submit that the rule does not bear any such construction as that. It is provided that the petitioner in his petition must negative condonation, collusion and connivance. It is not stated that there is no other defence to the bill, because there may be several other reasons why a bill should not pass. The petitioner is obliged, in order to get himself before parliament, to negative condonation, collusion and connivance; but that does not close the door to other reasons why he should not get the bill. His evidence may not prove sufficient. There may be several reasons besides those which are mentioned here why he should not get his bill, but these are the only ones which he is obliged before proceeding to trial to negative. Then I direct the attention of the House to rule 113 which says.

> When a bill is read the second time it shall be referred to the Standing Committee on Divorce who shall proceed with all reasonable despatch to hear and inquire into the allegations set forth in the preamble of the bill, and take evidence touching the same and the right of the petitioner to the relief prayed.

Clearly the committee have to ascertain whether the petitioner has a right to the relief prayed for or not. Rule 115 shows certain grounds upon which the petitioner may be held not to have the right to the relief which he prays for. One of these is adultery on the part of the petitioner; so that it is a perfectly good ground. There is nothing in our rule which shuts out that ground; and it is a ground which is allowed by the law of England. Further, rule 117 says that the "rules of evidence in force in Canada in respect of indictable offences shall, subject to the provisions of these rules, apply to proceedings before the said committee and shall be observed in all questions of fact." Now what is the rule with respect to indictable offences? It is this—I quote section 5 of the Canada Evidence Act, 1893:

> No person shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any other person; provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence.

So that it is perfectly clear that the witness in this case, who was the petitioner, having tendered himself as a witness before the committee was bound to answer any question which was asked him by the committee if it was relevant to the petition. In fact, I think a question might be asked which was not relevant, but certainly if the question was relevant to the matter before the committee he was bound to answer. Now the questions which were put by the hon. gentleman from Lunenburg with respect to the conduct of the petitioner himself previous to and subsequent to the separation from his wife were relevant questions, because the law is clear that misconduct on

the part of the petitioner would be sufficient reason why he should not get the bill. The question as to whether he had himself been guilty of such misconduct as to deprive him of a right to a bill was a question which was peculiarly in point and relevant to the inquiry, and consequently under this statute the petitioner was bound to answer that question. In the judgment of a majority of the committee it was decided otherwise. I do not find fault with the committee—I have no doubt but that they acted in accordance with their honest views, but they were mistaken. I presume the committee were were more or less influenced by the authority of the chairman, who has had a long experience in court; but who, it is perhaps not uncharitable to say, has not the vigour of intellect at the present time that he formerly had. This view is borne out by the fact that the chairman of the committee has expressed views in connection with this bill totally at variance with views which he expressed in connection with other bills, notably in the Tudor-Hart case. In that instance he took the ground that we were not bound by strict rules of evidence and practically that the Senate was a law unto itself. I have no doubt the majority of the committee were influenced by the authority of the hon. chairman and justifiably and reasonably so.

Hon. Mr. KAULBACH—According to your opinion could the committee shut out any question put by a member of the committee?

Hon. Mr. POWER—That is another question. I noticed that the hon. chairman of the committee and other hon. gentlemen in discussing this question have treated it as though it were a case of a question put by counsel for the respondent. Now, that was not the case. In this instance the respondent did not appear. From the evidence of the language which she used when the notice of this bill was served on her it is clear that she was just as anxious that the bill should pass as the petitioner was. She did not appear before the committee; and consequently, there being a sort of material collusion, the duty of the committee was to look after the interests of public morality and to see that all the evidence which bore upon the matter was brought before the committee. The members of the committee sat, as I take it, not in the position of counsel or witnesses or anything of that sort, but in the capacity of judges; and I think it is an unheard of thing that one judge should say that a question put by another judge should not be answered, or that the question or answer should not be taken down, if the evidence is recorded.

Hon. Mr. SCOTT—That is undoubted.

Hon. Mr. POWER—I think the conduct of the committee in that respect—conduct no doubt in which they were perfectly honest and in which they thought they were justified—was really not justified but was arbitrary in the extreme. Rule 115 is the one which says that, if adultery be proved, the party from whom the divorce is sought may nevertheless be admitted to prove connivance, collusion or adultery on the part of the petitioner. I am not going on the ground assumed by the hon. gentleman from Barrie on previous occasions and by other leading members of the House, that the Senate can do as it pleases, but I suppose that we are governed to a certain extent by rule and precedent. I turn to Gemmill's book on Divorce, page 106, and I find that he speaks of the four matters which are mentioned in this rule. He says:

> It may be assumed that if any one of the four be established it is a sufficient ground for rejecting the bill; the chief difference seems to be that the committee only inquires into the allegation of the petitioner's adultery when invoked to do so by the respondent. But it is submitted that Parliament, and consequently the committee, is not limited to the grounds referred to in refusing to report a bill for relief, but may look at all the circumstances of a case and refuse to confer an advantageous privilege upon an unworthy suppliant when, for example, the condition upon which claim is made has grown out of the individual's own iniquity. Nay, more, as urged by Senator Gowan, Parliament may and ought always to have in regard, not merely the question, as it affects the parties, but the effect in relation to morals and good order—the effect which the passing of a particular law might have upon the well-being of the community. Parliament, as the supreme power, has its duties and responsibilities, and cannot compromise the well-being of society, but is bound to consider what would most tend to the public good.

Now I think it is clear that it would not tend to the public good to have it understood that whenever a man gets tired of his wife, all he has to do is to separate from her with the hope or expectation that she may

fall, and then come and ask for a divorce. It would be a very unfortunate thing if that should get to be understood throughout the country. One hon. gentleman yesterday, I think the hon. member from Victoria (Mr. McInnes), said that the evidence of guilt on the part of the petitioner was not admissible—that it was not admitted by the House of Lords; but I think the hon. gentleman is slightly in error. I turn to the page of Gemmill which the hon. gentleman cited, page 118, and I find this language:

That House (the House of Lords) seems to have recognized a distinction between the adultery committed by a petitioner prior to that complained of, and adultery committed subsequent; and to have rejected evidence of the petitioner's adultery, if it had been committed subsequent to that complained of. But if the recriminated adultery took place prior to that complained of by the petitioner, the House always rejected the bill.

If we are to presume guilt on the part of the petitioner in this case, his offence took place prior to that of which he complains in his petition, which took place only last September, and in such cases the House of Lords rejected the bill, so that the page from which the hon. gentleman quoted seems to contain the antidote to his subtle poison.

Hon. Mr. MACDONALD (B.C.)—The guilt is only presumptive in this case though.

Hon. Mr. POWER—The very next passage is as follows:—

In Major Bland's case, Mrs. Bland's witnesses proved that Major Bland's conduct had been extremely culpable; it appearing among other scandalous improprieties that he had a woman in keeping, whom he passed off as Mrs. Bland, and the Lords rejected the bill.

In Major Campbell's case, on the other hand, Mrs. Campbell's adultery being fully proved, her counsel proposed to open matter of recrimination against the petitioner, alleging that he had been living in a state of incontinence, although not prior to the date of the adultery charged against Mrs. Campbell—they were informed that they could not be permitted to enter into such matters.

That was because it was not prior to the wife's offence.

Hon. Mr. McKAY—Those were contested cases.

Hon. Mr. POWER—Yes, but I do not think that alters the case. If a bill is uncontested, it is the duty of the committee to see that as clear a case is made out as if it were contested. The most substantial ground of objection in this case is the separation from the wife. At page 119 of Gemmill, I find the following laid down:

Under the English Divorce Act if the petitioner is proved to have been guilty of unreasonable delay, cruelty, desertion or wilful separation without excuse, or of misconduct conducing to the adultery complained of, the court is not bound to pronounce a decree dissolving the marriage, but will exercise its discretion as to whether it shall, according to the circumstances of the case, grant the relief prayed or dismiss the petition.

It is shown that the House of Lords had followed that practice on previous occasions. At page 121 of Gemmill I find this:

But the House of Lords refused to pass divorce bills where there were deeds and agreements of separation, unless peculiar circumstances were shown to warrant them. A standing order on bills of divorce (A.D. 1798) required the attendance of the petitioner in order to be examined whether at the time of the adultery, of which such petitioner complained, his wife was, by deed or otherwise by his consent, living separate and apart from him, and released by him, as far as in him lay, from her conjugal duty, or whether she was at the time of such adultery cohabiting with him and under the authority and protection of him as her husband.

In Lord Lismore's case Lady Lismore's violence of manner and language towards her husband were held to justify the separation agreed upon, his conduct having been exemplary. In Sullivan's case representations of his wife's misconduct were considered altogether frivolous and the bill refused. The principle seems to have been that an agreement to live separate almost amounted to leave and license, on the part of the petitioner, who had to show an adequate reason for such separation in the previous misconduct of the other party. The mere whim of both parties to live separate was no sufficient cause.

You will find in the cases to which I propose to refer that those causes must be substantial causes, not mere incompatibility of temperament or anything of that sort. I propose now to quote two or three English cases. The first case to which I shall refer is that of Baylis and Baylis. This is on the question of separation and the petitioner conducing to the offence of the respondent. It is to be found in Law Reports, I. Probate and Divorce, page 396. I shall read the decision of the judge, because he gives the principles on which the court acted:

In this case a young man married a woman of loose character, with whom he had lived for nine months previously. After a short time they dis-

agreed about money. He accused her of extravagance, and she him of parsimony. At last he broke up the house, sold the furniture, and told his wife she must go and live by herself in the chambers he had occupied when a bachelor, in Regent Street. As soon as she went there he set a watch over her, and was successful in a very short time in detecting her in adultery. In truth, she made little concealment of it, saying she must have a protector, and would not live alone. The result is this suit. But the court cannot grant the petitioner a divorce.

It has been sometimes supposed that if a man chooses to marry an immodest woman, he cannot afterwards free himself from her by reason of her unchastity. But there is no such law. Whatever the previous life of a woman may have been, she binds herself by marriage to chastity, and if she break the conditions of marriage, her husband is entitled to claim its dissolution. But, on the other hand a husband is at all times bound to accord to his wife the protection of his name, his home, and his society, and is certainly not the less so in cases where the previous life of his wife renders her peculiarly accessible to temptation. No man is justified in turning his wife from his house without reasonable cause, and then claiming a divorce on account of the misconduct to which he has by so doing conduced. And this I am of opinion the petitioner did.

The reasonable cause he alleges is her violence. But there was at the trial no proof of it. The only witness on that head was a man whom he had hired from a private inquiry office to come and live with him and his wife under the disguise of being his friend. He was there a week, and spoke of her violence of manner, but proved no personal violence to the petitioner; and yet he sent his wife away from him, and, much against her will, removed her, without friend or society, to a place in which of all others she would be accessible to temptation, and further, though she had given him no reason to suspect her of infidelity, immediately set a watch upon her actions.

It is hardly to be doubted that he both expected and hoped that she might commit hereself. What is this but, in the words of the statute, "conduct conducing to the adultery?" The petition must be dismissed.

Then there is the case of Yateman vs. Yateman, page 491 of the same volume, which was quoted at a subsequent stage of the same case by the hon. gentleman from Ottawa yesterday. I shall read part of what the judge says on the general subject, because I think it is very instructive:

Now, it must be borne in mind that, according to the matrimonial law of this country, which, the Divorce Acts have not affected to touch under this head, nothing will justify a man in refusing to receive his wife, except the commission of some distinct matrimonial offence, such as adultery or cruelty upon which the court could found a decree of judicial separation, and that in all other cases, no matter what her conduct, she can always claim a decree enforcing cohabitation, save, then, in cases where some such a matrimonial offence has been committed the law does not justify and support the husband in deserting and living apart from his wife.

Sir J. P. Wilde said:

Mere frailty of temper and habits which are distasteful to a husband, are not reasonable ground for depriving a wife of the protection of his home and society,

The conduct of the wife in this case was very much worse than in the case that is now before the Senate, and still the judge took the view that the respondent was not justified in separating from her. The next case to which I refer is the case of Dagg vs. Dagg. It is reported in Law Reports, 7th Probate Division at page 17, and was decided in 1882. The substance of the decision is as follows:

Where the husband obtained an agreement from his wife that they should live separate, and, this being carried out the wife committed adultery, the court held that there being no reasonable ground for the agreement the husband had deserted his wife, and refused to grant him a divorce. In giving the decision Sir James Hannen said: "It was his duty when he became her husband, not to have left her to those chances of falling, to which abandoned as she was by him, she must have been exposed.

Again there is the case of Williamson vs. Williamson, 51 Law Journal, Probate, Divorce and Admiralty, page 54, decided in 1882:

The conviction of wife for a crime will not justify her husband in refusing to cohabit with her; and if by declining to do so he conduces to her adultery, he will be unable to obtain relief.

There is also the case of Hayes against Hayes, 13 Probate Division, which is very strong and direct on the same point. I have not the volume here, but it is very direct on that point and the language of the judge is very clear. Then there is the case of Hawkins against Hawkins, 10 Probate Division, page 177. I shall read the circumstances of the case so as to put the House in possession of the character of the precedent:

The parties were married on the 13th of July, 1868, at St. James's Cathedral, Piccadilly. The petitioner had become acquainted with the respondent (who was a shop girl) some short time previously, and had been improperly intimate with her, and compelled by her father to marry her. At the time of the marriage the petitioner was entirely dependent upon his uncle and aunt, and it was arranged between him and the respondent that the marriage should be kept secret. A few days after the marriage the parties separated and never cohabited again, the petitioner allowing his wife from £2 to £4 a month, which he remitted to her by letter, They met once at Charing Cross, about sixteen years after the marriage, when something was said about living together, but neither party seemed desirous of doing so. With that exception they had not seen each other until shortly

before the institution of this suit, when the petitioner discovered that the respondent had for some years been living in adultery. The petitioner's uncle died in 1870, leaving all his property to the aunt, and she died in 1881, bequeathing a considerable fortune to the petitioner.

The respondent's adultery was proved, and she was called as a witness in support of her case.

Now that is a much stronger case than the one before us. What did the president of Probate Division, the late Lord Hannen say?

Every husband is bound to give his wife that protection which the society of a husband affords, and the fact that the respondent had been familiar with him before marriage made that duty more incumbent upon him, she being a person who might be more likely to yield to temptation. Having regard therefore to the petitioner's conduct in leaving his wife without a husband's protection and being of opinion that that conduct conduced to her adultery, I consider that he is not entitled to a dissolution of marriage.

That is a case decided in 1885 by the late Lord Hannen. I think you cannot have anything straighter or more direct than that.

I wish now to call attention to a couple of cases on the point of the husband's own misconduct. It appears from the report in the case of Conradi vs. Conradi and others, that the husband had applied for a divorce before and established the fact of his wife's guilt, but was refused a divorce on the ground that he had himself been guilty of adultery; so that the law on that point is perfectly clear. Then after a lapse of some time the husband brought another suit for divorce on the ground of his wife's further misconduct, and the question was whether the evidence taken in the previous suit was material, and it was held that it was material, and judgment was given for the Queen's proctor, on the demurrer, the Queen's proctor having intervened. Then I quote from I. Probate and Divorce, page 572, the case of Barnes vs. Barnes and another. In that case Sir J. P. Wilde, who was afterwards Lord Penzance, held that the evidence of the adultery of the petitioner hindered him from getting the relief sought. He admitted that the evidence had satisfied him of the guilt of the petitioner, and he said:

I come then to the question whether, assuming the adultery to have been committed, I shall exercise my discretion. The court is not bound to grant a divorce. It is suggested that the cases in which the court will not make a decree are the exceptions to the rule. In putting a construction upon the words of the statute the court will consider what was the practice of the House of Lords before the passing of the Divorce Act, and of Sir C. Cresswell and of others who acted with him. I am satisfied that under such circumstances to withhold a decree was the rule, to grant it the exception.

That was the rule of the old ecclesiastical court and of the House of Lords.

I do not feel inclined to depart from that practice. It will be only in rare cases the court will overlook the adultery of a petitioner and I reject the motion.

The case of Story *vs.* Story, and another, was decided in 1887 by the late Lord Hannen. The jury found that the wife and the co-respondent had committed adultery. The wife made a counter charge of adultery committed by her husband. The husband admitted the charge, but proved that his wife had condoned the offence. Notwithstanding the latter fact, the Judge decided against him and closed his judgment with the following words:

In the present case I come to the conclusion that the husband is not entitled to come into this court and claim release from the bond of marriage, he having shown himself regardless of the obligations of that state.

This case will be found in 12 Probate Division, page 196.

There is only one other case to which I propose to refer, that of Boardman *vs.* Boardman, in which it was held that the establishing of the fact that the petitioner had been himself guilty was a bar to his getting a divorce. There are scores of other cases which I might have cited, but I think the cases which I have cited, which are recent cases, given by practically the highest court upon this subject in England, show what the policy of the English law is, and show also that the policy of the House of Lords was the same as that of the courts of the present time. I think that, looking at the interests of public morality, we should be doing an unwise thing in granting a divorce under circumstances such as we have in this case; and what a proper regard for the public interests dictates is also dictated by the law as laid down in our Canadian author, and is certainly dictated in the most emphatic manner by the decisions of the best courts in the Empire.

Hon. Mr. PROWSE—I would like to ask the hon. gentleman one question before he concludes. He has shown a good deal of industry in searching out the records from

the courts in Great Britain, and I would like to ask him now if he has found any precedent where, on an application being made by a member of a certain church, a decision has been given on that ground?

Hon. Mr. POWER—I do not see that the question is relevant. I do not ask to have this bill thrown out on that ground at all. As I said at the beginning, I think the wiser plan is for the Senate to deal with this matter as though the parties were of any religion you please.

Hon. Mr. PROWSE—My reason for asking the hon. gentleman the question was simply this, that in the early part of his speech on this question he supposed a case from Ontario, the petitioner being a Presbyterian, that under certain circumstances he would feel justified in acting in a certain way, and as the case was reversed and the parties happened to be Roman Catholics he thought they ought to be dealt with in the same way. The question I asked the hon. gentleman was this: in searching up precedents and the record of the courts in Great Britain has he found any precedent to show that because the applicants were Roman Catholics it would place them out of court? He has failed to mention such a precedent, and I am very sure of this, hon. gentlemen, that if he could have found one he would have been only too glad to give it to us. It appears to me unfortunate that a question of this kind should be brought before the Senate for discussion. We have the report of the Committee on Divorce presented in the usual way.

Hon. Mr. POWER.—I thought the hon. gentleman wished to ask me a question, because if he did not, the hon. gentleman from Amherst has the floor, and only gave way to permit him to ask me a question.

Hon. Mr. PROWSE—I think I have the floor and I do not think it is the hon. gentleman's place to dispute that question.

Hon. Mr. POWER—The hon. gentleman asked me a question and I think he should give me an opportunity to answer it. With respect to the person coming from Ontario, I did not say that the Senate would be bound to refuse a divorce in that case; but I said that the circumstances in such a case should weigh somewhat with the committee, and I say further that, in looking for the law on this matter, I did not look for law under the head which he speaks of; I simply looked at the question as a matter of matrimonial and divorce law, and did not look for the authorities on the other point; and even if I had looked for them, I should not have found them, because it is a unique case, a Catholic applying for divorce from another Catholic, and the province of Quebec is situated differently from England.

Hon. Mr. PROWSE—I am satisfied that the answer I have received does not change the position at all. I merely say that if the hon. gentleman could have found a precedent for the question that I raised he would have given it.

Hon. Mr. POWER—I did not look for it at all.

Hon. Mr. PROWSE—Then I was going on to say that this committee having been unanimous in their report, with the exception of one member of the committee, we ought to deal with that report just as we find it, and to discuss it upon its merits. But unfortunately another burning question has been introduced into the debate for settlement, and although it is a question which hon. gentlemen may be sorry to see brought in here, yet it is one of those subjects that public men cannot avoid discussing when it is brought up. In reference to the question that has been raised, whether members of the Roman Catholic Church have a right to apply here for divorce, I think it is easily answered. We rejoice, hon. gentlemen, that we live in a land of civil and religious liberty; we do not recognize any one church as supreme over parliament, and so long as we recognize that, we have the law to guide us in reference to this question. We are told that we have no law on the question which the Parliament of Canada has not the power to repeal. We have the British North America Act, and by that Act the subject of marriage and divorce is relegated to the Dominion Parliament, and before that law can be altered we must have an Act passed in Great Britain amending the same. Consequently, everybody occupies the same position in the eyes of the law, whether he be a Roman Catholic, an Episcopalian, a Methodist, a Mahommedan,

or anything else. There must be the one general principle applied to every man living in this Dominion, so that equal justice may be extended to all. It would certainly be an unreasonable thing, a hardship, if persons who happen to be brought up and educated within the pale of a certain church, cannot depart from that church when they come to the years of maturity, and if they feel disposed to do so. It has been done repeatedly. Eminent men have gone from the Episcopalian Church and other Protestant churches and joined the Roman Catholic Church. The late Cardinal Newman was one. He had been an Episcopalian Minister, but later in life became an eminent divine in the Roman Catholic Church. That gentleman was never persecuted; he was never condemned publicly by court or by church, as far as I know, for the course that he pursued. He was an eminent minister and priest during his lifetime, and died very much regretted and respected by everybody of all denominations. Then I remember another who left the Roman Catholic Church and joined, I think, the Presbyterian Church. I refer to Father Chiniquy. Now, these gentlemen have exercised their just rights and privileges in taking the course that their own conscience dictated to them. Whether they were right or wrong is not for us to say, and I think it is time we recognized that principle in dealing with public questions in this Dominion. If I understood correctly the remark made by the hon. member from Ottawa, he intimated that Parliament proposed to repeal the law of Lower Canada I say that that is not so. If the Lower Canada law conflicts with the Dominion law, it is the law of the Dominion that must prevail over and above that of the province. I do not think there can be any doubt about that; at any rate, when confederation was inaugurated, if it was not desirable that the question of marriage and divorce should be dealt with by the Dominion Parliament, that was the time to bring the question to the front and have it decided, and this is not the proper occasion to bring the question up. If it is to be raised as a question of law, the hon. gentleman should propose a measure to send over to Great Britain to have the law amended. It appeared to me—and I am sorry to have to say it—that the speeches of one or two hon. gentlemen on this occasion have been more those of the advocate and lawyer than the statesman. They tell us that the alimony allowed this woman, $50 a month, while she was in receipt at the same time of an independent income in her own name, was given by the husband as an inducement for her to commit this crime. I am surprised, hon. gentlemen, at such a statement as that; I am surprised that any hon. gentleman would use such an argument in this connection. I hold that it is a reflection upon every unmarried woman throughout the Dominion to say, because she is allowed a sufficient sum of money to maintain her in comfort, with all the necessaries of life and many of the luxuries of life, that that is an inducement for her to become an abandoned woman. I say it is quite the reverse; there was nothing to induce her to do wrong. That was not given as the price for the commission of crime, but as an allowance which would enable her to live and to be independent in every respect, and she knew when she committed this crime that she was forfeiting that money and paying a very high price for parting with her virtue, and in place of it being used as an argument against the petitioner, it is a very strong argument against the woman, and in his favour. And then the hon. gentleman has also told us that Dillon took his wife away to Paris, the worst city in the world, and abandoned her there. It has come out since, and been shown that she was given in charge of her father in Paris. We must assume that she went there willingly, because there is no evidence to the contrary. Who was better able to take charge of that woman than her own father, even if he did live in Paris? To use that sort of argument against the petitioner, is, I think, very unfair and very unjust. Yet the hon. gentleman says deliberately that he threw this woman in the way of temptation by placing her in the hands of her father, where, I may add, she does not appear to have remained very long. She came out again to Canada to her mother. A good deal of capital has been made against this man, because, unfortunately, he refused to answer one question. I think the argument made by the hon. gentleman from Halifax has largely, if not entirely, depended on the assumption that this man was himself guilty of adultery after the separation.

Hon. Mr. POWER—No, it depended chiefly on the separation.

Hon. Mr. PROWSE—I think the report will show that the argument was almost altogether based on the assumption that he was as guilty as his wife.

Hon. Mr. POWER—I think I ought to know what I said.

Hon. Mr. PROWSE—The question was asked the petitioner, and on the advice of counsel he refused to answer. That shows that lawyers' advice may sometimes be very bad advice. I think we have had very bad advice from some of them on this question. He took the advice of his lawyer and refused to answer the question. His refusal to answer was approved by all of the members of the committee, who were present, excepting one. Is that to be taken as an assumption that the man was guilty, when he acted on advice of counsel and was sustained in his action by all the members of the committee but one? Are we to say that because of that fact he is to be refused a divorce? I do not wish to dwell any longer on the subject. It is not a pleasant question to discuss. The arguments which have been advanced have been directed to anything but the real point at issue. I look upon the report as a fair and reasonable one, and for my part I shall vote for it. We have what is called a minority report: I think it would have been just as well for the hon. gentleman had he made his statement to the House without bringing in a minority report. I cannot see that it is a report at all. It reports nothing. It merely gives the ground on which one member of the committee disagreed with the report of the committee, but it recommends nothing and if we were to adopt it we would decide nothing at all. The great question for the House to decide is whether this man shall get a divorce or whether he shall not, and from the evidence it appears to me that his wife has been proved guilty of the charge laid against her and he is entitled to a divorce.

Hon. Mr. DICKEY—I am reluctant to intrude on the House on a question of this kind, especially at the fag end of the debate, but I hope in speaking I shall not wound the susceptibilities of any person here, and still less shall I enter upon the *odium theologicum* to any extent. My reason for speaking, though most reluctantly, on the question, is because I am unwilling that my silence should be misconstrued. There seems to be a doubt in the mind of the hon. gentleman who has just spoken as to the reasonableness of the points made by the hon. member from Halifax. On two of the points raised I am entirely in accord with my hon. friend from Halifax—one is that where a person who is an applicant for relief comes before this House, or any other tribunal in the British Dominion in a matter of divorce he cannot have a *locus standi* if he has conduced to the offence for which he asks that divorce. The other position on which I am entirely in accord with the hon. member from Halifax is where the suppliant for relief has been himself guilty of the same offence that he charges his wife with, he is not in a position to ask any court for relief. Those two points I consider to be well taken and well established, and it is only because I am unwilling that there should be any doubt or hesitation as to the stand which I propose to take in this matter that I think it necessary to speak at all. On this question which has been so much debated—and I am sorry the necessity has arisen that it should be even mentioned in this House, this question of the religion of the petitioner—I am not prepared by any means to admit the extreme contention of those hon. gentlemen who say here that relief should be withheld from the petitioner on the ground of his religious belief. If that were so, when a person came to us for relief against another, you would be deciding his rights on the ground of his being a Protestant or Catholic, Jew or Gentile. That is not a ground on which a case should be argued. It is a very wide question and I do not propose to discuss it at all, because from the view I take of this matter, it is not necessary to argue it. If we could find a way of treating this matter without disturbing the susceptibilities of parties it would be far better. I agree with the hon. gentleman from Halifax that it would be far better for us to look at this question upon its merits, and it is from that point of view that I wish, as simply and briefly as possible, to state the grounds on which I act. It is due to the hon. member from De Lanaudière that I should say I have very great sympathy with him in the position he has been forced into by the manner in which this question has come before the House. When this bill was at the second reading, the hon. gentleman, in the exercise of his constitutional rights, objected to the

second reading on principle, but the moment it was pointed out by the hon. member from Calgary that we had only hearsay as to the religious faith of the parties and suggested to the hon. member that it would be undesirable to consider that question until we had the evidence taken before the committee on that point, the hon. member from De Lanaudière acting, as he usually does, courteously in order that he might not disturb the harmony of the House, said "I will not interrupt the proceedings; I withdraw my motion on that understanding." Strange to say, the committee took a different view and decided that the religious belief of the parties was not a matter to be inquired into at all. I am not going to argue that question, as no doubt, the committee acted honestly according to their view of the case, but it is most unfortunate, because we are not in a position now to try that question in the absence of evidence. The question was asked what is your religious belief? and it was refused. Therefore, we are in no better position than when this bill was up for the second reading. We are not trying, we ought not to try, and I am not disposed to argue, that question of the religious belief of the petitioner at all, and I refer to it merely to put myself right before the House and the country, and to explain that I have no sympathy with the contention of those gentlemen who take that view. As regards this question of law, I have consulted the very latest text books as an authority. I have not hunted up cases. It is a weary work, as no doubt the hon. gentleman from Halifax has found it to be, but when we get hold of a principle it is not very difficult to understand it. I quote from Bishop's Law of Marriage and Divorce, the edition of 1891, which is later than any of the books that have been cited. That book, although an American work, is of English authority and is recognized on both sides of the Atlantic. I will read the principle which is laid down and which is all we require to know. In that work, section 78, I find this statement:

According at least to views which will be maintained in this chapter, recriminations may be defined as being the defence which consists in showing that the complainant in a divorce case has himself broken, either completely or in part broken the same matrimonial chain of which a breach by the other party whether the same or any of its link he complains. (Citing a long list of authorities.)

In the midst of the juridical differences on this subject we find one point on which the common law authorities, English and American, are agreed; it is wherever the plaintiff and defendant are guilty of adultery, whichever adultery was first committed, even though the recriminatory act followed on separation which took place on the discovery of the offence relied on for the divorce, the suit is barred. It has also been held, and it is little questioned, that a single act of adultery is sufficient in bar, whatever the extent of guilt on the other side. (3 Eng. Ec. C. 303, 307).

These principles are so plain that I have no hesitation in saying, as I have always believed, that the principle laid down by the hon. member from Halifax is the correct one. And why is it so? It is founded on another principle which is this, that when a party comes for a divorce he must come with clean hands or not at all. He is not in a position to ask this House to help him to get rid of an inconvenient partner while he himself is indulging in the same class of crime with which he charges her.

Hon. Mr. BOULTON—Is there evidence of that in this case?

Hon. Mr. DICKEY—I should like to put this question on the ground taken by those who oppose this case on the ground of public policy. I ask them whether it is in the interest of public policy, or public morality, or in the interest of this House that we should pass a bill for an adulterer against an adulterer, to break up the marriage contract and allow him to marry again? Yet that is what we are asked to do if we adopt this report. The suppliant is just as guilty as the wife if he acts in such a manner as to conduce to that adultery by separation or otherwise. Here we are dealing with parties who separated nearly seven years ago. The petitioner has acted in a certain way so that his wife has yielded to temptation, yet he himself thinks it quite right that he should yield to the same temptation and then come before this tribunal and ask you to whitewash him and enable him to go into partnership with another woman, to treat her, perhaps, in the same way.

Hon. Mr. McINNES—There is no evidence of that.

Hon. Mr. DICKEY—The question was ruled out. These are the strong points I cannot get over. I have, in justice to the hon. member from Lunen-

burg, to say that I think it was a mistake on the part of the committee to strike out the questions which he put. I am quite sure that on reflection a great many of them will admit that it was a mistake, and for this reason—the law says that the applicant for divorce, and the person from whom the divorce is sought, shall both be examined under oath before the committee. Why? In order to give an opportunity to get at the facts and know whether the person is entitled to relief or not. In my experience of divorce cases, time and time again, nay, almost every time, witnesses who came before the committee were cross-examined, especially the parties to the suit, to find out whether they had ever been guilty of the offence charged against the respondent. They have been tested without any objection. I never heard an objection to such a question being asked. It would be a failure of justice to rule out such questions, because when a bill is sent to the committee with a view to inquire into the right of the petitioner for relief, it is a commission to them to inquire into all the circumstances and see whether the petitioner is in a position to demand relief. The legal authorities here, which are not questioned, and cannot be questioned, show that if this man has committed adultery he is not entitled to release. Surely that is a pertinent inquiry.

Hon Mr. McCALLUM—There is no proof that he has done so. The hon. gentleman lays it down as a ground for refusing him relief.

Hon. Mr. DICKEY—I am not saying whether it is so or not, but I say you deprived the party of an opportunity of giving proof. The committee would not allow him to be asked whether he had or had not done so, he of all others who ought to know.

Hon. Mr. KAULBACH—He refused to answer.

Hon. Mr. DICKEY—I am quite sure that the committee acted from honest motives, and with their best judgment, but we cannot shirk the fact that they required a very elaborate opinion from the chairman of the committee to justify them in the course they took. I am not going to stand on that altogether, and I will not discuss that opinion in the absence of the chairman. I am just putting it on the broad grounds of common sense, public policy and public morality. Is it in the interests of those great questions that we should pass this bill and allow a man, steeped, for ought we know, in immorality, to obtain a divorce while you shut out the evidence of his guilt? It is vain to say there is no proof. When he refused to answer that question, the inference is, not as it was put yesterday a natural inference, but I say as a lawyer an inevitable inference that he was guilty.

Hon. Mr. McINNES—The committee requested him not to answer before he had an opportunity to reply.

Hon. Mr. DICKEY—He says "I decline to answer that question, on the advice of counsel."

Hon. Mr. McINNES—And on the instruction of the committee also.

Hon. Mr. POWER—He said, just before, that he had not been guilty before the separation.

Hon. Mr. DICKEY—He was safe in answering that question. I suppose he could do so unhesitatingly, but when it came to the next question he says, "I decline to answer on advice of counsel." Any one who has been in a court of justice and heard an unwilling witness examined does not need to be told what such an answer means. I am quite sure that my hon. colleagues are too intelligent not to have had the same opportunities I have had in listening to evasions of questions of that kind. I do not think because the petitioner was allowed to escape the question that therefore we should be allowed to escape the inference which is inevitable that he was guilty, and if so, upon what ground are you going to justify the passing of this bill?

Hon. Mr. KAULBACH—I should like to have the hon. gentleman's views as regards the propriety of asking the questions that were ruled out, and the right of a member of the committee, on a quasi-judicial proceeding to be shut out from questioning the petitioner.

Hon. Mr. DICKEY—I have stated already that I have had some experience on divorce committees, and it was a constant

practice not merely for the chairman, but for each and every member of the committee to put questions to probe the witness and to try and find out, with a view of arriving at an honest conclusion, whether he had or had not been as guilty as his wife where his adultery was in question. I have seen a woman under that fierce fire of cross-examination for that very purpose, and it is the only way you can extract information. Our rules require that they shall be examined on oath, and when they are so examined and such a question is put, the inference to be drawn from a refusal to answer is inevitable, that the question which he refused to answer he could only answer in the affirmative.

Hon. Mr. BOULTON—I cannot let this debate close without presenting my views to the House on this subject. This divorce case has been brought into the Senate by a report from the committee and there has been a minority report from one of its members presented to us. The hon. gentleman who presented that minority report in the course of his remarks said :

> I have been here 27 years and I have never known an application for divorce where both parties were Catholics. If I can be shown such a case anywhere, then I may be called upon to say why those questions were not asked ; but I say this is a new departure and we should be careful how we run against the strong feeling of the Church of England and the Church of Rome in this matter. We should guard their rights and what they believe to be their sacred duties and obligations. I am glad that we are going to meet this question fairly and squarely now. I hope we will all discuss it with the propriety which is becoming a member of this Parliament.

That is the position the hon. gentleman took.

Hon. Mr. KAULBACH—Not the only position. I took five or six positions.

Hon. Mr. BOULTON—I am quite aware that the hon. gentleman laid down several propositions. The first was the question of public policy contained in the remarks I have just read. Of course they present to this honourable House two views of the case that we are now called upon to discuss. The question of public policy, of permitting a divorce to be granted where both parties are Roman Catholics or, as the hon. gentleman perhaps would have it said, both parties belong to the Church of England. It is contended because it is against the tenets of the church, that therefore we, as members of Parliament, should withhold from the suppliant that justice which he asks at our hands. In view of that position, the question of whether it is wise or right for us to grant a divorce to the suppliant sinks into insignificance. In deciding whether the petitioner is entitled to a divorce, on the evidence, I have to rely more upon the finding of the committee than upon a debate on the evidence in this honourable House. The committee probed the evidence much more deeply. They had better opportunities to judge whether it is right that a divorce should be granted in this case or not, than we are able to judge in the course of a debate upon the evidence as presented to us. For that reason, I am much more inclined to vote upon the merits of the question as the committee have found for us, than upon anything that has been presented to me in the ourse of this debate. What I do know is that we have a divorce law. The right to divorce is limited, certainly, to one offence and that is adultery.

Hon. Mr. SCOTT—We have no divorce law. We have simply jurisdiction over divorce.

Hon. Mr. BOULTON—We have a divorce law to this extent, that whenever adultery can be proved, a petitioner can ask for a divorce.

Hon. Mr. SCOTT—We have passed no law on the subject.

Hon. Mr. BOULTON—We are a law unto ourselves, as the hon. member from Lunenburg has shown. If we go on year after year pursuing a certain policy, that very fact makes it law, and therefore I say we have established by precedent and by our acts year after year, that we have a divorce law and that that divorce law is administered by the Senate of Canada. There are certain rules which we have laid down, and the Divorce Committee is one of the methods by which we get at the evidence. We are here acting as judges, while the committee finds the facts for the Senate. They have presented the case to us for adjudication and for settlement, and so far as the evidence is concerned I quite agree with what has been said by the hon. gentleman from Prince Edward Island, that the committee have

had a better opportunity of judging whether that divorce should be granted than we have here in discussing the evidence. Therefore, so far as that is concerned, I should vote for the bill. But there has been imported into this discussion a principle that I think should not be allowed to go without discussion, and that is, that we should withhold from a portion of the population the liberty which our people generally enjoy, because the tenets of the church to which they belong prohibit them from taking advantage of that law. The hon. member from Ottawa went even further than that and said "it is a matter of public policy when you consider that there are 2,000,000 of Catholics in Canada, and it would be absurd for us to say that the laws of Parliament shall exceed the ecclesiastical laws which govern these 2,000,000 of people." That is a departure that I certainly cannot agree with. I hold it quite as much a matter of conscience with me that no act or vote of mine on the floor of Parliament shall be such that I will help to withhold from any section or any portion of the people of Canada, the liberties that I enjoy myself. That is the constitution that has been handed down to us generation after generation, the constitution that has been fought for manfully and won under many difficulties and great odds in the past. Our constitution is the machinery we adopt for the management of our national family, and as we maintain and enforce its principles so will the national character be strengthened or retarded. It is our duty to hold on to all the liberties that we possess and advance with the enlightenment of the time and secure for our people greater liberty from day to day. So far as my hon. friend from DeLanaudière is concerned, I willingly acknowledge that as a French Canadian he occupies a somewhat different position from those of us who belong to the rest of the population, in so far that certain rights were accorded to the French Canadians a century and a half ago. But so far as those ancient rights are concerned, they have been replaced now by the British North America Act. The rights of our French Canadian population, the rights of every man in this country, do not date from 150 years ago or 50 years ago, they date from the passing of the British North America Act, and that Act is the foundation of the constitution of Canada, and the guarantee of the liberties of its population. That Act contains the information that must guide us in our legislation, and we have to consider what will be the effect of our legislation on the future government of this country and on the moral welfare and the physical well-being of our people. If we want our country to prosper and progress from the Atlantic to the Pacific, with all its diverse interests, with all its religious divergences, with its racial difficulties, if we are to build up Canada to be a happy progressive community, we have to stand by that constitution and not depart from it one jot or iota, except in a spirit of progression certainly not in a reactionary one.

It was this feeling that brought me into discussion of a case such as this, and presenting my views to this honourable House. I would refer back in order to show how far the difficulties of the past have assisted in moulding the constitution under which we live to-day, and how those rights were fought for, won, and handed down to us from generation to generation. I would refer back as far as the time of Henry the Second.

Hon. Mr. POIRIER—Divorces did not exist at that time.

Hon. Mr. BOULTON—I am quite aware of that, but several centuries after that there was a very celebrated divorce case which turned upon much the same principle. I am discussing the ecclesiastical laws referred to by the hon. member from Ottawa. I refer to the divorce of Catherine of Arragon from Henry the Eighth. I would refer you to what Froude says in his digest of that celebrated case:

> The legislation of Henry VIII., his Privy Council and his Parliaments is the magna charta of the modern world. The Act of Appeal and the Act of Supremacy asserted the national independence, and repudiated the interference of foreign bishops, prince or potentate within the limits of the English Empire.

He goes on to tell:

> On the 10th of May, Cranmer, with three bishops as assessors, sat at Dunstable under the Royal license to hear the cause which had so long been the talk of Europe, and Catherine, who was at Ampthill, was cited to appear. She consulted Chapnys on the answer which she was to make. Chapnys advised her not to notice the summons. "Nothing done by such a court could prejudice her," he said, "Unless she renounced her appeal to Rome." As she made no plea, judgment was promptly given. The divorce was complete so far as English law could decide it, and it was doubtful

to the last whether the Pope was not at heart a consenting party.

However such was the political pressure brought to bear upon the Pope.

Froude goes on to say again that:

On March 23rd with an outburst of general enthusiasm, the Bull was issued which declared valid the marriage of Henry and Catherine, the king to be excommunicated if he disobeyed and to have forfeited the allegiance of his subjects.

In England the news of the decision had not been waited for. Two days after the issue of the Bull, the Act abolishing the Pope's authority was read the last time in the House of Lords.

Such were the facts and results flowing from that celebrated divorce case.

In referring back to the time of Henry the Second hon. gentlemen may think I am dipping pretty far into ancient history, but I wished to refer to the Council of Clarendon which limited the power of the ecclesiastical laws upon which stress was laid by the hon. gentleman from Ottawa, and which preceded by a very few years the Magna Charta which limited the power of the crown in assuring the liberties of the people. Magna Charta is to this day embodied in the statutes of Great Britain, as an emblem of civil and religious liberty, as the British North America Act is printed in the statutes of Canada the emblem of civil and religious liberty in Canada, whose constitution is founded upon the same principles and handed down from the same ancient source I have found it necessary to refer to.

The Council of Clarendon was the result of a disagreement between the ecclesiastical authority and the king, and he appealed to the old customs of the country. A council met at Clarendon for the purpose of stating what these customs were, and a code was drawn up simply re-enacting William I.'s laws with this in addition:

1. A case between clerk and layman whether belonging to church courts or to the king's, was to be decided by the king's court.

2. A royal officer was to be present at all proceedings of the church to see that the bishop's court kept within its own bounds, and a clerk convicted by it passed at once under civil jurisdiction.

3. An appeal might be made from the archbishop's court to the king's. None to the papal courts with royal leave.

4. The rights of sanctuary were taken away as regarded property alone.

These were only one among many enactments which were found necessary to resist the encroachments of ecclesiastical authority, for after all our priests, clergy and ministers are only human, and human nature in the present day differs nothing from the human nature of centuries ago.

Now, hon. gentlemen, shortly after came the Magna Charta; and what is one of the clauses of the Magna Charta? "To no man shall justice be sold, denied or delayed." That was one of the clauses embodied in the Magna Charta upon which our constitution was based and framed. I refer to that in consequence of the remark made by the hon. member from Ottawa, that ecclesiastical laws are superior to the laws of Parliament when they affect the religious belief of the people.

Hon. Mr. SCOTT—I was speaking of Lower Canada at the time.

Hon. Mr. BOULTON—The hon. gentleman was speaking of the two millions of Roman Catholics in Canada.

Hon. Mr. SCOTT—My reference to the ecclesiastical law and the civil law applied only to the province of Quebec. I did not pretend anything else, and I mentioned it because other gentlemen took it up and spoke of the ecclesiastical law in Quebec. I referred only to Quebec.

Hon. Mr. BOULTON—I accept the hon. gentleman's explanation.

Hon. Mr. SCOTT—I withdraw any statement to the contrary.

Hon. Mr. BOULTON—The words I took down were that there were two millions of Roman Catholics in Canada, and that the ecclesiastical laws affecting those two millions were superior to the laws of the province.

Hon. Mr. SCOTT—Only as far as Quebec is concerned.

Hon. Mr. BOULTON—For that reason I felt it was incumbent upon me, at least, to enter a protest against a claim of that kind.

Hon. Mr. SCOTT—Quite right.

Hon. Mr. BOULTON—Anything that will tend to restrict the liberties of the subject in any shape or form, be he Roman Catholic or Protestant, is against public policy. I thoroughly appreciate the position that has been taken by some

hon. gentlemen in this debate, public policy should govern us, but the public policy which the hon. gentleman from Lunenburg would have us regard is that which he laid down in his remarks.

Hon. Mr. KAULBACH—"For the peace, order and good government of Canada."

Hon. Mr. BOULTON—And because the laws of the Roman Catholic Church prohibit divorce, therefore, for that reason, we should withhold divorce from members of the Roman Catholic Church, when they come here as petitioners for divorce. Public policy would be much better served by pursuing a more liberal course and holding the principles of the country which are so dear to us, and which have been so intelligently fought for century after century. We have inherited them from the British crown; they have been handed to us in the shape of the British North America Act, and each province has under its constitution perfect liberty to pursue and conduct its Government as it sees fit, within the specified bounds laid down in that Act, and under that constitution we hope to govern the vast territory under our control. We should preserve and maintain the constitution, not only in the principles that are imprinted in the statutes, but in the ideas which brought it into existence. The hon. member from Ottawa spoke of the increasing number of divorces. Certainly it is a very sad thing to see matrimonial disagreements, especially when divorces, which are only granted in this Parliament for one offence, are doubling up, as the hon. gentleman says, year after year. I am not going to discuss the question of public policy, as to whether we should have divorces or not. The law is on the Statute-book that a man can come here and ask for a divorce, and I certainly think that where we live alongside of a large country like the United States, which grants divorces, and whose divorce laws are so exceedingly lax, and when a divorce can be so easily obtained by our own people crossing the boundary line where they can get a divorce and come back and enjoy all the benefits of it, I say it is a great deal better that we should increase the facilities for divorce, keeping the control of the divorce of our own people, rather than have our people taking advantage of the United States laws in order to obtain divorce which we ourselves believe they should not obtain. For that reason, I do not think that the argument of the hon. gentleman from Ottawa was a particularly sound one. He spoke of divorce breaking up homes, and he spoke of the evils resulting from it. If we had not the United States so near us, with the opportunities for divorce that exist in the United States, we might take a different course. I do not know what the divorce laws of the maritime provinces are like—whether they are lax enough to permit a man from Ontario or Quebec to go down there and get a divorce, but in Nova Scotia, New Brunswick, Prince Edward Island, British Columbia and the United States, all round us, they have divorce courts and divorce laws which our people are able to take advantage of, I think it is a more intelligent method of granting divorces within the restrictions that we think should be put upon them, than have the people of Canada taking advantage of the laws of another country on account of the difficulties we place in their way. It would, I believe, be more in accord with the spirit of the times and the spirit of the people. In making these remarks I hope I have said nothing to offend my Roman Catholic or French-Canadian countrymen. Guided by their conscientious convictions they may feel themselves obliged to take a certain stand upon this matter; I have my conscientious convictions also and they require that I should, at any rate, state what stand I take upon this matter, in order that I may not be a party to restricting the liberties of the people of Canada by any vote which I may give on the floor of Parliament.

Hon. Mr. BELLEROSE—Will the hon. gentleman allow me to put a question? Does he know that his own church is opposed to divorce and to allowing those who have been divorced to marry over again?

Hon. Mr. BOULTON—I do not come here as the representative of any church at all. The laws of the country are put before me and my duty is to help to carry them out. I look at it only from that standpoint. If the matter were to come before me as a member of the synod of the church to which I belong, on a petition to Ottawa to abolish divorce, I do not say what position I would take, but I stand as one of those who are here to administer the

laws of the country for the people as I find them on the Statute-book, to the best of my ability and judgment.

Hon. Mr. BELLEROSE—I find in this book, the Canons of the Church of England, a section which prohibits divorce, and which imposes a fine on any judge who would allow divorced persons to marry over again.

Hon. Mr. KIRCHHOFFER—Does the hon. gentleman want to show that this Senate is not entitled to grant divorces at all?

Hon. Mr. SCOTT—No, it is a question of public policy.

Hon. Mr. BELLEROSE—Canon 108 is as follows :

In all sentences pronounced only for divorce and separation *a toro et mensa*, there shall be a caution and restraint inserted in the act of the said sentence, that the parties so separated shall live chastely and continently, neither shall they during each other's life contract matrimony with any other person, and for the better observation of this last clause the said sentence of divorce shall not be pronounced until the party or parties requiring the same have given good and sufficient security into the court that they will not in any way break or transgress the said restraint or prohibition.

Section 108 : And if any judge giving any sentence of divorce or separation shall not fully keep and observe the premises he shall be by the archbishop of the province or by the bishop of the diocese, suspended from the exercise of his office for the space of a whole year and the sentence of separation so given contrary to the form aforesaid shall be held void to all intents and purposes of the law as if it had not at all been given or pronounced.

And this has been authorized by Parliament so that it is not only a religious question, but it is also a political question.

Hon. Mr. McKAY—I desire to say a few words before this discussion closes in defence of the majority of the committee rather than to take part in the general debate, and more particularly on account of a remark made by the hon. member from Amherst, whose opinions I highly respect. He has acted on divorce committees I presume a great many years more than I have, and he stated that the question whether the petitioner himself had committed adultery was always asked. I have been on the committee for a number of years, and I never knew that question to be asked before. I challenge any man in this House to point to a single case before us this session, or last session, where that question was asked. Even in the divorces already granted, you will search in vain to find such a question.

Hon. Mr. KAULBACH—Does that shut it out?

Hon. Mr. McKAY—The question was asked by the hon. member who brought in the minority report, and it only occurred to him to ask it in the Dillon case. We have had three cases since, and in none of them was the question asked. With reference to the man's religion, the certificate of marriage, showing that he was married in the Catholic Church by a bishop under the rites of the Roman Catholic Church, was offered in evidence, and every member on the committee knew that that was sufficient evidence that the man was a Roman Catholic. The committee, as I understood, did not believe it was necessary that we should know whether he was a Catholic or not. I do not believe it was necessary to know his religion. But it is charged that the hon. gentleman from Calgary had promised that the committee would obtain proof on that point. I maintain they have done so sufficiently by the marriage certificate. I simply desire to make these remarks in defence of the committee who appear to have been told to-day that they did not know their business. As I said before, I challenge any hon. gentleman to show where the question that was ruled out has been asked this year, or for many years past.

Hon. Mr. KAULBACH—There was no occasion to ask it.

Hon Mr. O'DONOHOE—This question is one of very great importance. I think the committee had no authority and no right to rule out the questions that were put by one of its members. It is important that the opinion of this House should be obtained upon that point as bearing upon questions of this nature that may come up from time to time. The committee is only delegated to do certain work for this House, not for the purpose of keeping out evidence, but to report evidence to this House and to allow this House to take such action upon that evidence as they deemed proper. If you lay down the rule that the majority of a committee can rule out evidence, where will you stop? What have you in this House to go

upon? They are not appointed by this House as judges of the acts of one another. They are sent to take the evidence and report it to the House; that is their duty. They failed to perform that duty, and in my opinion there will be a failure of proper practice in this House unless the report is re-committed to that committee with instructions to report the evidence and every question that is put. It is an outrage to say that a question cannot be put by a member of the committee, particularly in the absence of one of the parties. The committee are simply a delegation from this House to take the evidence and report it here, and this House can take such action upon that as they think proper. There will be a failure of good practice if this report is not recommitted to that committee with instructions from the House to take down the questions and answers as they were put before them, and I am prepared to make such a motion myself. Short of that, would be leading to a practice of which no man can tell the end. Many questions seem to have been brought up in this discussion, as I think unnecessarily. With the question of the petitioner's religion, we have here nothing whatever to do. No Catholic can vote for a divorce. That is settled beyond all dispute, but we have a right to take the law as it is presented to us and pass our opinion upon it. This House need not search for precedents; there is no occasion for it; we are not an organized court, and we have no need of precedents. All we have to do is for each man to conscientiously ask himself the question, is this a proper course to take for us to separate man and wife? It is well understood that when a man comes into court to look for relief he must,in every court of the land, come in with clean hands. Did this man do all that he undertook to do according to the laws of God and man when he married her? Did he perform his duty in taking her to a foreign city, leaving her there and coming away, taking her children from her? The law imposes upon him a duty; but it gives him the power of correcting his wife; it even gives him the power of chastising his wife if she goes down.

Hon. Mr. McKAY—Where is that?

Hon. Mr. O'DONOHOE—And that was his duty, and if he had taken her home with him and cherished her as he should have done and promised to do, would the act of which he complains now ever have been committed? The question was put to him as to whether his hands were clean or not, whether he was not derelict himself and guilty of the very same act of which he complains of his wife, and how does he answer? He refuses to answer; but when the other question is put to him as to his conduct up to the time of their separation, he answers glibly, and at once that he never committed the crime during that time. When the other question is put he holds his tongue. If he could with equal freedom from guilt, have replied in the affirmative, would he not have answered at once? It is not necessary to call the attention of this House to the deduction to be drawn from his reply. His silence establishes his guilt, and if guilty then he has no right to come to this House to look for relief. With the religion of the petitioner I have nothing to do, and therefore nothing to say, on this occasion. We can deal with this question apart from all religion; these parties come before us as citizens asking for relief which the law enables them to claim, and on that question alone should we give our opinion. There is no court by whose decisions we are bound. We are an original court on matters of this sort. We are the judges of our consciences, and the judges of whether we are doing right or wrong in the act that we are asked to perform here. We are not bound by the precepts or precedents of courts; and even if we were, they would be all against the prayer of this petitioner. Therefore, the question of religion, in my opinion, should not interfere with the performance of our duties; we are simply called upon to say, upon the case made out before us, whether this application should be received or not. That, I think, is the sole question, and we are not concerned with any precedents or the practice of other courts. Our jurisdiction on this point is primary and original; it lies within ourselves, a law of the Parliament of Canada. It appears to me that the most serious point is the conduct of our committee in refusing to allow a proper question to be put and answered. I take it that if the committee are allowed such latitude as that, we are not to receive the evidence in this House that should come before us, but simply to receive the evidence that a certain number of the committee may choose to submit to us. That is a very

serious point, and I ask hon. gentlemen in their judicial capacity to weigh that point and consider whether a committee should be allowed to keep from this House the evidence that we ought to have, and simply give us the evidence that certain members choose to take. If the House is of the opinion that we are entitled to the whole of the evidence they will send this report back to the committee with instructions to take the questions which were refused and the answers thereto.

Hon. Mr. KAULBACH—And all cognate questions.

Hon. Mr. O'DONOHOE—Of course. I move that the report be recommitted to the committee with instructions to take the questions and answers which have been refused by the committee, and also all cognate questions.

Hon. Mr. CLEMOW moved that the debate be adjourned until Tuesday next.

Hon. Mr. POWER—With respect to the amendment proposed by the hon. gentleman from Toronto, it might perhaps be understood that he can submit it to the House when the House takes the matter up again.

Hon. Mr. BOWELL—The motion now before the Chair is by the member from Toronto that the report be recommitted for certain purposes. As soon as this is put to the House, my hon. friend from Ottawa moves the adjournment of the debate until Tuesday.

The motion to adjourn the debate was agreed to.

The Senate adjourned at six o'clock.

---

## THE SENATE.

*Ottawa, Friday, May 18th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### SECOND READING.

Bill (DD) "An Act respecting the Canada Southern Railway."—(Mr. MacInnes, Burlington.)

### SEAMEN'S ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (13) "An Act to amend the Seamen's Act."

(In the Committee.)

Hon. Mr. BOWELL—I may explain that this is the bill that was passed by the Senate at its last session after a good deal of discussion, but with many others in the House of Commons was not passed there. The only change in the old law would be by adding these words after "wages" in the third line "and for the recovery of disbursements properly made by him" (that is the master of the ship) "incurred on account of the ship," and in the 14th line, instead of using the words "Vice Admiralty Court," the words are used "in any court possessing admiralty jurisdiction."

On clause 2,

Hon. Mr. KAULBACH—I would like to ask the hon. Minister whether in the United States they extend to us the same reciprocal privileges that are given by this bill?

Hon. Mr. BOWELL—I am unable to answer that question, but I will endeavour to obtain the information for the House before I move the third reading of the bill.

The clause was adopted.

Hon. Mr. READ (Quinté) from the committee, reported the bill without amendment.

### THOMPSON DIVORCE BILL.

THIRD READING.

Hon. Mr. READ (Quinté)—In the absence of the chairman of the committee, I move the adoption of the sixteenth report of the Standing Committee on Divorce *re* Thompson Relief Bill. He said: This was a very clear case; there was no defence and, I may add, no minority report.

The motion was agreed to on a division, and the bill was read the third time and passed.

### PIPER DIVORCE BILL.

THIRD READING.

Hon. Mr. READ (Quinté) moved the adoption of the seventeenth report of the

Standing Committee on Divorce *re* Piper Relief Bill.

The motion was agreed to and the bill was read the third time and passed on a division.

The Senate adjourned at 4 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, 6th June, 1894.*

THE SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

## INCORPORATION OF BOARDS OF TRADE BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (FF) "An Act to amend the Act respecting the Incorporation of Boards of Trade." He said: This bill is simply to define what constitutes a district in the North-west Territories. Under the Act as it exists in the Statute-book of to-day, the boards of trade in that section of the country are unable to define their proper limits, and this is to correct an error that exists in the law.

The bill was read the first time.

## JOINT STOCK COMPANIES' BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (EE) "An Act respecting the Incorporation and Regulation of Joint Stock Companies." He said: I will ask the indulgence of the House in reference to this bill, and will make the explanation upon its second reading. I might simply say that it is a consolidation of the acts as they now stand upon the Statute-book, and to adopt, as far as practicable and applicable to this country, the provisions of the English Act in reference to Joint Stock Companies, by which the procedure in reference to obtaining corporative powers will be more simple than in the past.

The bill was read the first time.

## BILLS INTRODUCED.

Bill (65) "An Act to confirm an agreement between the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company and an agreement between the said Companies and the Corporation of the City of Ottawa, and to unite the said companies under the name of 'The Ottawa Electric Railway Company.'"—(Mr. Clemow.)

Bill (77) "An Act to incorporate the Dominion Gas and Electric Company."—(Mr. Bernier.)

Bill (66) "An Act to empower the Niagara Falls Suspension Bridge Company to issue debentures and for other purposes."—(Mr. McKindsey.)

Bill (74) "An Act to incorporate the Ottawa Electric Company."—(Mr. Clemow.)

Bill (49) "An Act to incorporate the Welland Power and Supply Canal Company, limited."—(Mr. McKindsey.)

Bill (51) "An Act to incorporate the Northern Life Assurance Company of Canada."—(Mr. Power.)

Bill (36) "An Act to incorporate the Canadian Railway Accident Insurance Company."—(Mr. Clemow.)

Bill (60) "An Act to incorporate the Cariboo Railway Company."—(Mr. Reid.)

Bill (42) "An Act to incorporate the Canadian Railway Fire Insurance Company."—(Mr. Clemow.)

Bill (84) "An Act to incorporate the Alliance of the Reformed Baptist Church of Canada and the several churches connected therewith."—(Mr. Perley.)

Bill (75) "An Act respecting the Chaudiere Electric Light and Power Company, limited, and to change the name thereof to the Ottawa Electric Company."—(Mr. Clemow.)

Bill (27) "An Act respecting the Dominion Guarantee Company, limited."—(Mr. McMillan.)

Bill (5) "An Act further to amend the North-west Territories Representation Act. —(Mr. Angers.)

Bill (31) "An Act respecting the Consumers Cordage Company, limited."—(Mr. Ogilvie.)

Bill (125) "An Act further to amend the General Inspection Act."—(Mr. Bowell.)

Bill (113) "An Act to amend the Inspection of Ships Act."—(Mr. Bowell.)

Bill (38) "An Act respecting the Ontario Loan and Debenture Company."—(Mr. McKindsey.)

Bill (14) "An Act to amend the Railway Act."—(Mr. Bowell.)

Bill (62) "An Act respecting the Richelieu and Ontario Navigation Company."—(Mr. Ogilvie.)

The Senate adjourned at 8.45 p.m.

---

## THE SENATE.

*Ottawa, Thursday, June 7th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## SEAMEN'S ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. BOWELL moved the third reading of Bill (13) "An Act to amend the Seamen's Act." He said: The hon. member from Halifax called my attention to what he thought was an incongruity in the language of the latter portion of the first clause of this bill. I consulted the Minister of Marine and Fisheries on the subject and, after showing him the point to which my hon. friend had called my attention, he gave his opinion that the latter portion of it did not interfere with or restrict in any way the operation of the first part of the clause. I asked him to make a memorandum on the bill and he did so as follows: "The latter part of the clause in no way restricts the first part of the clause. The claim for disbursements would be interpreted by any lawyer as not being interfered with by the last four lines." I do not know that I have given his exact words, but that is the purport of them. I pointed out to him that, reading it as a layman, I thought it would bear the interpretation given it by the hon. member from Halifax. He answered that it did not.

Hon. Mr. POWER—When it is a question of plain English, there is no difference between a lawyer and a layman in the interpreting of a statute. The lawyer gives the language its ordinary natural meaning, and that is what a layman does; and I venture to say that the Minister of Trade and Commerce in this instance was a better lawyer than the Minister of Marine and Fisheries. When I made this suggestion to the hon. Minister I had not looked at the English law of which this bill is a copy, but I have since done so, and I find that the view of the Minister of Trade and Commerce is correct. The latest authority on the subject is McLachlan on Shipping, published in 1892. He sets out the doctrine in the text that the master or any other person lawfully acting as master, has the same lien for disbursements as the master has for his wages. The Act which he cites is the Merchants' Shipping Act of 1889, and I find that the first clause of the bill before us is an imperfect copy of the first section of that Act. I direct the attention of the House to the language of the two enactments. The first clause of this bill is as follows:—

> Every master of a ship registered in any of the said provinces shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages, and for the recovery of disbursements properly made by him on account of the ship, and for liabilities properly incurred by him on account of the ship, which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any court possessing admiralty jurisdiction in any of the said provinces touching the claim of a master to wages, any right of set-off or counter-claim is set up, such court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance which is found to be due.

Hon. gentlemen will notice that the right of set-off or counter-claim is given only in the case of a suit by the master for wages and not where the suit touches the master's disbursements or liabilities properly incurred on account of the ship. Now, how does the section of the English Act read? The first part is substantially the same as the first part of the clause of this bill. The second part reads:

> If in any proceeding in any Court of Admiralty or vice Admiralty, or in any county court having admiralty jurisdiction, touching the claim of a master or of any person acting as master

to wages or such disbursements or liabilities as aforesaid, any right of set off or counter claim is set up, it shall be lawful for the court to enter into and adjudicate, &c.

Now, in order to prevent any doubt about the construction of this clause in future, we should insert here the words which appear in the English Act. I am not going to say that the Minister of Marine and Fisheries is wrong, but he may be wrong, and it will not do any harm to insert these words. They remove any doubt; and I therefore move that the bill be not now read the third time but that it be amended by inserting after the word "wages" in the 16th line the words "or such disbursements or liabilities as aforesaid." Those are the words used in the English Act.

Hon. Mr. BOWELL—I agree with the suggestion made by the hon. gentleman. The Minister from whose department this bill came gave me the opinion which I have quoted, and I suggested the adding of the words so as to make it beyond a peradventure?

Hon. Mr. READ (Quinté)—Lawyers are not in the habit of doing that.

Hon. Mr. BOWELL—I thought that was the common sense view to take of it, so as to prevent any misconseption of the meaning of the clause. I therefore accept his amendment.

The motion was agreed to on a division, and the bill as amended was read the third time and passed.

## THE COMBINES BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (AA) "An Act to amend the law relating to conspiracies and combinations formed in restraint of Trade."

(In the Committee.)

Hon. Mr. READ (Quinté) moved the following amendment:—

Page 1, line 6.—Leave out "paragraphs (*c*) and (*d*)" and insert "paragraphs (*a*), (*c*) and (*d*)."

Page 1, line 8.—After "therefor;" insert the following:—

"(*a*) to limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or."

The motion was agreed to.

Hon. Mr. OGILVIE, from the committee, reported the bill with an amendment, which was concurred in.

## JOHNSON RELIEF BILL.

THIRD READING.

Hon. Mr. KIRCHHOFFER moved the adoption of the Eighteenth Report of the Standing Committee on Divorce in *re* Johnson Relief Bill.

The motion was agreed to on a division.

Hon. Mr. CLEMOW moved the third reading of the bill.

The motion was agreed to, and the bill was read the third time and passed on a division.

## DILLON DIVORCE BILL.

DEBATE RESUMED.

The Order of the Day being called,

Resuming the further adjourned Debate on the motion of the Honourable Mr. Gowan for the adoption of the Fourteenth Report of the Standing Committee on Divorce in *re* Dillon Relief Bill.—(Mr. Clemow.)

Hon. Mr. CLEMOW said: This subject has been before the House upon two or three occasions, and it is with some hesitancy that I rise to say a few words with reference to a matter which has been already considered. I think there has been a great deal of irrelevant discussion in reference to this bill. The fact seems to have been ignored that we were considering a matter that had already become law, over which we have no jurisdiction, simply having power to carry out the provisions of the law itself. Under the British North America Act the power of dealing with divorce rests altogether with this Parliament and therefore we are in the same position as judges and juries are in other cases. The law is then without limitation and does not discriminate in favour of or against any class, but its provisions can be enforced by any and every subject so desiring it on the well known British principle of one law for all. The Senate is merely empowered to administer the law as it now stands upon the Statute-book. If the law is oppressive in any degree, there is a way of having it amended. We know that laws have been considered oppressive in the past, and by constitutional means they have been remedied. At one

time there was a very oppressive law interfering very seriously with the rights and privileges of a certain class of intelligent and loyal people, but as long as that law was upon the Statute-book it had to be enforced and was enforced until by proper process it was removed from the Statute-book and now those people enjoy the same rights and privileges as other people. The same thing can be done with this law if it is considered injurious to any section of the community. But I hold, as long as the law and its provisions remain on the Statute-book, we are powerless to interfere with it in any respect. Under the constitution the Senate takes the first preliminary steps for the purpose of carrying out the provisions of the statute. They delegate that power to a committee, but that committee's action must be sustained by a majority of the votes of the Senate before it becomes operative. Supposing the judges of the land were to take upon themselves to say that they would not carry out the conditions of any statute because they interfered with their preconceived ideas of right and wrong, what state of affairs would there be with reference to the judiciary of the country? I contend we are in the same position with reference to this Act so far as the Senate is concerned. Senators have certain responsibilities placed upon their shoulders, and this is one of them. They have to inquire into all cases of this nature brought before them and they must decide upon the evidence adduced before them the same as jurors and courts of law. They are to hear the evidence, and are to declare whether they consider that evidence is sufficient to warrant them in recommending that the relief asked for be granted. That is the extent of their power. To say that the relief provided for by this Act is restricted in any sense, or that it cannot be applied for by any class or section of the people is to assert a great fallacy. There is nothing in the Act to show that such was the intention, or ever was the intention; but in a country where free institutions exist, every man is entitled to the benefit of the law when it is passed, and therefore I think the Senate are justified in giving a decision according to the evidence and the evidence alone in this matter. Now, supposing the Senate should resolve by a majority of their votes that they would not entertain this or any bill the effect would be that the law would be a dead letter and the statute would be nugatory. Would that be constitutionally correct and right to the parties who desire to have the benefit of a law on our Statute-books? The only safe way is for the Senate to inquire carefully into every case which comes before them and to render a true verdict according to the evidence adduced. The proposition was laid down by the leader of the Opposition that the ecclesiastical law was superior to the civil law. It did not meet with a ready response in this House, because we know that upon another occasion when the legislature of the province of Quebec passed an Act containing that unique long preamble which caused a very great agitation throughout the whole country, there was an expression of opinion antagonistic to its enactment which I think ought to be sufficient to prevent any honourable gentleman from bringing up the subject again and thus continuing to excite a feeling of unrest and dissatisfaction throughout a large section of the country. As far as this law is concerned, we are bound to do our duty and I do not see how we can shirk it and evade our responsibility. The statutes are placed in the hands of senators, as other acts are placed in the hands of judges and juries, and they are bound to administer the same in their respective capacities, and the responsibility rests upon us of deciding this case. Now, what are the facts in reference to this matter? Evidence has been taken of a very conclusive nature that this party is entitled to the relief that he seeks, and I do not see upon what ground it can be refused. It is true it is said by one party that the committee did not do their duty in respect to a certain question which the petitioner, on the advice of his counsel and by the direction of the committee, declined to answer. Now I have had a considerable number of divorce bills placed in my hands, and I have attended the committee pretty generally, and I have always found the committee particularly desirous of ascertaining by every means in their power what was delegated to them. They were instructed to inquire whether there was connivance or collusion between the parties to procure the divorce, and that, if established, has always been considered a sufficient bar to the granting of the relief; but the precedents all go to show that they were never called upon to inquire into the conduct of the petitioner in an

undefended case, and I suppose the parties who framed rule 115 considered that if there was any ground for bringing this charge against the party requiring the relief, the respondent would not be slow in taking advantage of it, and then the committee would take the necessary means of inquiring into it, as they have done in some cases, and if the fact was proved it would be a block to the proceedings. I remember one or two cases, at any rate, where the charge was made by the opposite party and sustained by evidence sufficiently to induce the committee to reject the bill. As far as the committee are concerned, therefore, I think they have followed the rules and precedents in the performance of their duties, and I do not think it would be fair or reasonable to send back this report to them for further inquiry. I believe the committee acted to the best of their ability, and until some change is made in the rules requiring the committee to investigate this particular matter, I do not believe they would be justified in putting such questions as those which were ruled out. They have never been supposed to act as prosecutors in these cases, but have confined themselves to carrying out the rules as laid down, and therefore I think they are quite exonerated from blame in the course they have taken. I trust that the majority of this Senate will perceive that they are in duty bound to vote for the report of the majority. Some hon. gentlemen say that they have conscientious scruples against voting on questions of this kind, and as a rule they do not vote at all. From my point of view every senator is bound to obey the law of the land. One of those laws compels him to perform the duty of dealing with those divorce cases, and I do not see how any member can absolve himself from discharging his duty. He would not be justified in refusing to accept the report of the committee unless he considered that the evidence was not sufficient to satisfy him that the petitioner was entitled to relief. This matter has been fully discussed and I hope we will not have such a question again in the Senate. I hope it will be settled to-day once and for all, and that we shall understand the position that the Senate occupies in dealing with those important questions; so long as the rules remain unchanged we have no alternative but to comply with the law and govern ourselves by the evidence alone in forming our judgment. That is the only course we can pursue. Every member of the House can attend the committee meetings and judge for himself from the bearing of the witnesses whether the petitioner is entitled to the relief he seeks. If hon. gentlemen think the evidence is not sufficient they are perfectly justified in refusing to assent to the bill, but on no other grounds would any member be justified in opposing the report of the committee while the present law stands. Some hon. gentlemen treat this question as if we were now dealing with a bill to establish a tribunal for trying divorce cases. A good many of the arguments to which we have listened would be appropriate to a debate on such a measure, but we are now only dealing with the law as we find it. The hon. gentleman from Ottawa took the ground that every man should exercise his own judgment and be influenced in any way that he thought proper in dealing with a case of this kind. I differ from him totally. It was never intended that we should disregard the plain language of the law. We have to deal with these matters as a judge would in administering the law. Very often a judge has to administer a law which is repugnant to his feelings. We know that some judges are opposed to capital punishment, but while the law imposes the death penalty every judge is obliged to carry out the law as he finds it. As far as this case is concerned, it is so clearly proved that I do not know how there can be a dissentient voice upon it. A good deal has been said about the petitioner taking his wife to Paris and leaving her there with her father. I do not think he could have done anything better than that when they decided to separate. Whether he made ample provision for her sustenance or not she was not justified in the course that she afterwards pursued. I cannot assent to the allegation which has been made here that most women, left under such circumstances to themselves, would fall. I have a higher opinion of women generally. How many cases do we know of women being left by their husbands, very often in poverty and distress, and liable to many temptations, and how rarely does it happen that any of them fall? Such cases as this are few, I am happy to say, and the moral character of our Canadian women is far too high to justify such remarks. I intend to vote for the report of the committee,

because I think it is based on a fair and just investigation, and the committee have followed precedent and carried out the rules laid down by the House. I do not think that the House would be justified in saying that they have not performed their duty in a way consistent with their former course, and it would be most unjust to cast a reflection upon gentlemen who have been influenced by the highest motives in dealing with the case.

Hon. Mr. BELLEROSE—I rise to a question of order. We are now discussing the main motion, but I see in the report of the last debate on this subject before the recess that the hon. member from Toronto moved an amendment, to recommit the report with instructions to take the questions and answers refused by the committee and also all cognate questions. I see that it has not been entered in the Orders of the Day, but it is here in the Senate Debates.

Hon. Mr. O'DONOHOE—I moved an amendment, and at the moment I was called away before saying all that I had intended to say on the subject. I am not differing from my hon. friend from Rideau in all that he has said. The point I raise chiefly is this, that the committee have not performed their duty to the Senate and that the matter is not before the Senate with all the evidence that was offered. If the committee are permitted to exclude evidence, the Senate cannot have the case before it. There is no case before the Senate as it stands now, because we have a report brought in, and it is not contradicted that evidence was offered and refused. How can the Senate decide on a case if any part of the evidence is withheld? We have not the evidence before us. The committee are not the judges of how much evidence to take and how much evidence to reject. Their duty is to report to this House what they have done, and I therefore moved an amendment that the report be recommitted with a view that the whole of the evidence be submitted. What the House may decide with the evidence before us I cannot say, but in the meantime, while the evidence offered is not before the House, we are not in a position to form a judgment. There is no parity of reasoning between the cases of which my hon. friend from Rideau speaks as between this House and a court of justice. The court takes all the evidence and pronounces upon it, if it be a fit case to adjudicate upon, but it would be manifestly absurd that a committee appointed by this House to investigate a matter of this kind and take evidence, should say how much evidence to take and how much to reject. It is for the House to say what evidence is sufficient for a case of this sort. In my absence I find that this amendment to recommit was seconded by the hon. member from Amherst, and I think he will agree with me that the report must be recommitted to the committee in order to report the evidence in full. That is the position I take and it does not contradict my hon. friend from Rideau. He goes into other matters that are not cognate at all to this case. I move :

That the said report of the majority be not concurred in, and that the same with the report of the minority be recommitted to the Standing Committee on Divorce, with instructions to the said committee to put to the petitioner, James St. George Dillon, of the city of Montreal, merchant, the question mentioned in the report of the minority, to wit :—

" Have you been faithful to your marriage vows as far as adultery is concerned up to the time you instituted proceedings for divorce ?" and further questions on the subject which may be necessary to get at the truth, and also all further questions on the subject which may be pertinent in the premises.

That is a question proper to be put. If a man comes before this House who himself is guilty of the charge he makes against his wife, surely he does not appear before us with clean hands !

Hon. Mr. McINNES (B.C.)—I understand it is a question of order that is before the House and the hon. gentleman is making a second speech on the report of the committee. Now I submit, with all due respect to the House, that he is entirely out of order. If he has anything to say on the point of order that has been raised by the hon. gentleman from De Lanaudière, very well, but he cannot go on making a second speech on the main motion before the House. In the second place, the hon. gentleman must be aware that he cannot move an amendment now.

Hon. Mr. O'DONOHOE—I am not moving the amendment now.

Hon. Mr. McINNES (B. C.)—If that amendment had been on the Order paper we could discuss it.

Hon. Mr. BELLEROSE—The amendment was made three weeks ago. Here it is in the report of the debate.

Hon. Mr. READ (Quinté)—Where do you find that?

Hon. Mr. ANGERS—In the Senate Debates.

Hon. Mr. BELLEROSE—I asked how is it that the Orders of the Day do not contain the amendment? I want to ascertain how it was omitted when it was made in a full House and reported officially. It is before the House now; the only incident is that it is not on the Orders of the Day. The Speaker will order what he thinks right, and the amendment must be moved.

Hon. Mr. McINNES (B. C.)—It is quite evident that there is some irregularity. If the motion of the hon. gentleman from Toronto had been written out or handed to the clerk, or placed in the Speaker's hands, it certainly would have appeared on the Orders before us to-day.

Hon. Mr. McKINDSEY—It was declared out of order as no notice had been given of it.

Some hon. SENATORS—No, no.

Hon. Mr. McINNES (B.C.)—I was in the chamber at the time and, speaking from memory, I do not remember it being declared out of order, but the hon. gentleman had not that amendment written out, as my recollection goes, and it was merely a verbal notice to the House. We are all aware that a notice of any amendment has to be handed in to his Honour the Speaker in writing. It was not done.

Hon. Mr. O'DONOHOE—It was handed in.

Hon. Mr. McINNES (B.C.)—If such is the case it is the first time that I have known such an amendment to be omitted from the Minutes since I have been a member of the House, and if such is the case there was certainly great neglect on the part of some of the officials of the House.

Hon. Mr. BELLEROSE—It is not the fault even of the officials of the House.

Hon. Mr. McINNES (B. C.)—I am not blaming them.

Hon. Mr. BELLEROSE—I will give him evidence of it. The hon. leader of the House rose in his place and said: "The motion now before the chair is that of the member from Toronto, that the report be recommitted. As soon as it is put before the House my hon. friend from Ottawa can move the adjournment of the debate." So the difficulty arose from those two expressions of opinion. The hon. leader claimed that the motion then before the House was the motion of the hon. member from Toronto, so it is evident that the short discussion produced the difficulty; but it may be remedied now to-day, only there must be some liberality. The motion is on the paper and it is sufficient.

Hon. Mr. McINNES (B.C.)—I would ask the Speaker if that motion was placed in his hands the day before we adjourned?

Hon. Mr. McKINDSEY—That motion was read by the hon. gentleman from Toronto. It was considered out of order because there was no notice. Then the hon. gentleman from Toronto said he would give that resolution as a notice, and that is how it stands now.

Hon. Mr. O'DONOHOE—No notice was necessary.

Hon. Mr. POWER—I do not think there is any basis for the point of order, because there is nothing to hinder any member of the House moving the same resolution at once in amendment to the motion before the House. My remembrance of the matter is that the hon. gentleman from Toronto verbally moved the amendment. I think he had it in writing and handed it in and then, at the suggestion of some hon. member, it was allowed to stand and be put in a somewhat different shape. That is a courtesy that is always extended to members and I am rather surprised that an attempt should now be made to take advantage of the very trifling irregularity which apparently has taken place. Instead of discussing the question of order, we had better admit that the point of order is well taken, and let some hon. member move the amendment which the hon. gentleman from Toronto is supposed to be unable to move.

Hon. Mr. ALMON—I think I saw the hon. gentleman from Toronto making his motion in writing.

Hon. Mr. KAULBACH—The hon. gentleman from Halifax is quite right.

Hon. Mr. McINNES (B.C.)—I would ask the Speaker if the motion was placed in his hands?

The SPEAKER—The motion was not placed in my hands. I may say such amendments never come to my hands. They are generally sent to the officials who put them in the Orders of the Day. On this occasion I remember distinctly what passed at the last meeting of the House. The hon. gentleman from Toronto made his amendment verbally and it was agreed, on his asking the favour, that time should be given him to write his motion, which motion should have been put into the hands of the officials afterwards. I do not know whether that was done. I only know that it did not come into my hands.

Hon. Mr. POIRIER—Was that a motion or an amendment?

Hon. Mr. ANGERS—An amendment. The main motion is to adopt the report.

Hon. Mr. LANDRY—I move the amendment which has been read by the hon. member from Toronto.

Hon. Mr. READ (Quinté.) It is somewhat of an innovation that a committee shall be required to produce evidence themselves which they have never heretofore, to my knowledge, been in the habit of doing or been authorized to do. What does this resolution ask the committee to do? To inquire into whether there has been any violation of the marriage vow on the part of the petitioner. Now that is the duty of the respondent. No case can be cited in which such evidence has been brought out by the committee, and since this unfortunate matter has come up, three cases have been before the committee in none of which have such questions been asked. One case was very similar to this—the Johnson case—The petitioner was living apart from his wife and had been making her an allowance for a number of years, just as in this Dillon case, yet when the case was before the committee no such matter was brought up, although the Dillon case was then under discussion—no member of the committee felt it his duty to put such a question to the petitioner, and the reason was that the committee had no such authority. The 115th rule of the House deals with this matter :

> If adultery be proved, the party from whom the divorce is sought may nevertheless be admitted to prove condonation, collusion, connivance, or adultery on the part of the petitioner.

It is not the duty of the committee to search for evidence ; that is for the parties in the case. Suppose the witness chooses to perjure himself and the committee are aware of it, are they to go and hunt for evidence to show that he has perjured himself? Is that the duty of any committee? The rule does not say so. We will go further to show that it is not intended:—

> Condonation, collusion or connivance between the parties is always a sufficient ground for rejecting a bill of divorce, and shall be inquired into by the committee.

How does it say they are to inquire into the question whether adultery has been committed? Why does it not say so? If it was so intended the rule would say so.

> And should the committee have reason to suspect collusion or connivance.

Now, it does not say if they suspect adultery, it only says if they have reason to suspect collusion or connivance.

> And should the committee have reason to suspect collusion or connivance, and deem it desirable that fuller inquiry should be made, the same shall be communicated to the Minister of Justice, that he may intervene and oppose the bill should the interest of public justice, in his opinion, call for such intervention.

I say the committee would have stepped outside of their duties had they acted as some hon. gentlemen would have had them act. I have been on these committees more or less for 32 years and I have never heard such a question put by a member of the committee. Three cases have been tried, after this matter was brought before the attention of the House, and the question was not asked ; and why not? No doubt the hon. gentleman who presented the minority report was satisfied in his own mind that he was doing wrong, although he is not going to admit it. At any rate, no member of the committee chose to ask the question, and I think there could not be any better evidence that a wrong had been done in putting such questions to Dillon. Before adopting the

amendment, the House must change it rules. At the present time I do not consider the amendment is in order or that the House has a right to instruct the committee to make the inquiries which were ruled out when proposed in the committee.

Hon. Mr. KIRCHHOFFER—I had not intended to speak in this debate because so much time has already been consumed over it, but the subject has now assumed so many different phases that I am impelled to say a few words before the debate closes. I will promise, however, to be as brief as possible. I regret particularly the absence of our venerable chairman whose vast experience and legal knowledge would do much to set many vexed points at rest, and whom I trust we shall soon see able to take his accustomed place. I feel that I am but a young member of this House and I hesitate to set my opinions against those of old and trusted and honoured senators whose abilities and extensive experience would naturally entitle their words to great weight, but I see that not only are we debating the Dillon case from its legal, its moral and religious standpoint, but that an important committee of the House is also on trial. Practically, a vote of want of confidence has been moved in it, and certain points have been raised which had better be set at rest, and decided once for all by this debate, because if the points now raised are supported by the House, the proceedings of that committee will have to be materially changed.

The general subject matter has already been adjudicated upon before the Superior Court of Lower Canada. The wife was represented by counsel before that tribunal and had full opportunity for defence. She did not then complain of anything in her husband's conduct. She did not recriminate or make any charge against him as she had a right to do. She even declined to cross-examine the witnesses. With all the rights of defence before that tribunal which she could have before Parliament, she offered none. Adultery was proved. The husband was held entitled to relief, and all the relief that court could grant it gave him in its decree. The husband then asked Parliament on the same evidence for what Parliament alone could grant, dissolution of the marriage.

The chairman's memorandum placed upon the table formulates the views of the committee (unanimous save one) as to their proper functions and duties, and his speech in moving its adoption somewhat elaborates the report. We consider that the committee fully acted up to the limit of its duty, as laid down in rules 113, 114 and 115. They "inquired into the allegations set forth in the bill, taking evidence 'touching the same,' and the rights of the petitioner to the relief prayed on the allegations set forth." Rule 115 declares what may be offered in answer by the party against whom the adultery has been proved. Had any evidence in answer been given, the committee of course would have heard it, but the respondent having offered none, either before the Superior Court or before the committee, one may reasonably conclude that she had none to offer. Now this House has formulated certain rules for our guidance. We have either got to abide by them or not. If not, what is the object of having them? Presumably every senator is supposed to know these rules, but many of us do not look up these matters until occasion requires. I hope I shall not be considered presumptuous if I consider the particular rules bearing on this case for a few minutes.

The latter part of the rule requires the committee to inquire into certain matters, the points being those which would amount to a fraud on the committee, as will at once be seen when we look at the legal definition of the term.

*Collusion*—Is a conspiracy to impose upon the tribunal, in other words to make up a case.

*Connivance*—Is where the applicant has himself consented to the particular act of which he himself complains, consented to his wife's adultery.

*Condonation*—Is the actual forgiveness of the matrimonial offence after knowledge of the fact.

There was not a particle of evidence in support of or to suggest the existence of any of these.

As regards adultery on the part of the applicant that is a countercharge which the rule expressly leaves to the party from whom the divorce is sought, and so it always was, and now is, in the English Divorce Court. But even then such a countercharge does not amount to a bar for relief, but only as an appeal to the discretionary power of the court. It was clearly not within the scope of the committee to undertake such an inquiry upon its own mere motion, it was

not at any time suggested in any way by the party most interested. It was no part of the record, so to speak, before the committee. And yet the monstrous doctrine is now propounded that a subordinate body, with specific and limited powers, should act as public accusers against the party seeking relief ; should undertake to do that which the party most interested did not even suggest. I do not think that any honourable man would consent to occupy so degrading a position, one so incompatible with the functions of an impartial inquiry. The hon. member from Halifax has delivered an able and exhaustive speech on this question. He has brought to his subjects as he generally does, careful consideration, as his remarks show great pains and research in getting up his case. But I could not help seeing, and I am sure my feelings were shared by many members, that though he professes to deal with the question from the standpoint of a judge in a divorce court, and to decide according to the evidence, his attitude was more that of a clever lawyer, counsel for the defence, determined to built up a case against the petitioner. I do not say that this was done disingenuously, or with intent to mislead, but the hon. gentleman evidently had his heart in the case from his own point of view, and not having facts to go upon he is obliged to proceed inferentially or by insinuation. This manner of reasoning by inference and insinuation, adopted also by the member for Amherst, reminds one of a famous character quoted by Swift who could

> "Convey a libel in a frown
> And wink a reputation down."

I take the hon. gentleman's own words in support of what I say, and will leave the House to decide if I am putting the case too strongly. On page 20 of Senate Debates I find him reported as follows :—

> It may be that Dillon was too exacting. His wife may have been rather too fond of society and amusement in an innocent way. He may have been too severe and exacting as husbands sometimes are. Instead of bearing with his wife's little imperfections and frivolities he chooses to put her away.

That is language which one would expect to see applied to a woman about whose character there might be some doubt. I may say I admire and applaud a man who strongly advocates the cause of a woman who has been wronged and ill treated, but how any one can read the evidence in this case, one of the most flagrant and revolting that has come before the committee, in my limited experience, and then seek to exculpate her by speaking of her conduct as "little frivolities and imperfections," makes me wonder if these remarks manifest to others, they certainly do not to me, the spirit in which a judge on the bench would approach the case.

Hon. Mr. POWER—That language of mine applied to the wife's conduct before the separation.

Hon. Mr. KIRCHHOFFER—Farther on he says "A woman still young is deprived of the society of her husband and of her children—exiled from society and left to shift for herself with the result one may easily expect to follow." Now I ask you if "exiled from society and left to shift for herself" is a judicial way of stating that she had been placed in her father's care with an allowance $50 a month for her support? What the hon. gentleman contends is, I assume, that having had a separation from his wife and having lived apart from her for a cetain period he had thrown temptation in her way and so contributed to her downfall. I hardly think that the hon. gentleman intended us to treat this view seriously, but if he does a very wide vista is opened. I assume that few women fall unless exposed to temptation. The question then arises what is the amount of temptation to which a woman may be exposed, which will excuse her fall, or what the measure of neglect which in my hon. friend's opinion would entitle a husband to be considered as contributory to her disgrace. Many husbands have a habit of spending most of their evenings away from home. Others by their business or professions are obliged to pass long periods absent from the family fireside. In some cases there may even be studied neglect, and yet it would be very subversive to our ideas of morality, if such conduct on the part of a husband were to be accepted generally, in exculpation of a wife's offence, or as an excuse for her violating her own vows, while at the same time preventing the husband from obtaining his remedy from the House. Again he says :

> This man stood by. Does it not look as if he had deliberately thrown that woman in the way of temptation and had done it probably with a view of marrying some one to whom he had taken a ancy?

Where is the ground for this? Certainly not in the evidence. It is the merest insinuation. Does this language appear to be inspired by the judicial spirit?

He is down also on the petitioner for declining to answer a question, which, mind you, he had heard the committee rule out of order, and he would fain have you accept that as evidence of the petitioner's immorality. Now, if a witness in a court were to hear a judge rule a question out of order, and if in spite of that ruling, counsel should insist on putting it, what more natural than that the witness could accept the judge's dictum and refuse to answer? Would there then be an inference that witness was unable to do so? But, further, I would remind the hon. gentleman and this House that inference is not evidence. No divorce is granted by this House without the clearest proof of adultery. You would not think of granting a divorce upon such a flimsy inference. Why, then, should you refuse it? To carry out the principle supported by my hon. friend it would be the petitioner who would be on trial, not the respondent. The petitioner, who as a rule appears in person, would be subject to an examination as to his or her conduct, while there would be no means of similarly examining the respondent, who seldom appears. Proceedings according to our friends would have to be commenced by ascertaining, first, the religion of the parties, and if no disability appeared on those grounds, the next step would be to prove the chastity of the petitioner. Now, I confess that I was struck with the very strong remarks made on this point by the hon. member from Amherst. On page 14 he is reported as follows:

> The petitioner has acted in a certain way so that his wife has yielded to temptation, yet he himself thinks it quite right that he should yield to the same temptation and then come before this tribunal and ask you to whitewash him and enable him to go into partnership with another woman, to treat her, perhaps, in the same way.

I may say *en passant* that there was not a word of evidence in support of such a statement. Further on he says:

> I have, in justice to the hon. member from Lunenburg, to say that I think it was a mistake on the part of the committee to strike out the questions which he put. I am quite sure that on reflection a great many of them will admit that it was a mistake, and for this reason—the law says that the applicant for divorce, and the person from whom the divorce is sought, shall both be examined. In my experience of divorce cases, time and time again, nay, almost every time, witnesses who came before the committee were cross-examined, especially the parties to the suit, to find out whether they had ever been guilty of the offence charged against the respondent. They have been tested without any objection. I never heard an objection to such a question being asked. I have stated already that I have had some experience on divorce committees, and it was a constant practice not merely for the chairman, but for each and every member of the committee to puquestions to probe the witness and to try and find out, with a view of arriving at an honest conclusion, whether he had or had not been as guilty as his wife.

I was quite struck with this entirely new definition of what I had understood my duties as a member of the Divorce Committee to be. Of course I knew that the present was the first instance of its having been done in my time, but I accepted the statement without hesitation as having been done during the hon. gentleman's experience. On searching, however, to see in what shape the questions had been put, I am unable to find one single instance. I do not of course question the hon. gentleman's statement that it has been done. He would not have said so, unless he recollected it, but I am satisfied that he is mistaken in thinking that it has been done in the general way he has stated, or I could not have persistently overlooked it. Under these circumstances I will ask the hon. gentleman, if I am wrong in my facts, to correct me, but, if otherwise, to correct the very erroneous impression which his words must have conveyed, and which I have no doubt caused as strong an impression upon other hon. gentlemen's minds as they did upon my own. The hon. member for Amherst goes on to say: The legal authorities here, *i. e.*, those quoted by the hon. member for Halifax, which are not questioned, and which cannot be questioned, show that if this man has committed adultery he is not entitled to release. With the profoundest respect for the hon. gentleman who cited the authorities, and for the one who in turn cited him, I would say that at all events, the authorities are questioned: whether they can be so successfully I will leave this House to decide. The statement that if this man has committed adultery he is not entitled to relief is certainly wrong, because the question is one that is entirely discretionary with the court. Coming, then, to the view of the law quoted by the hon. member from Halifax (Mr. Power) as bearing

upon the case, I find at page 7 of the report that he says :

> I suppose that we are governed to a certain extent by rule and precedent.

And yet with the rule before him expressly stating the parties who alone can raise this question, he assumes the committee to be wrong in not entering upon a matter not before them, a matter which the respondent could have urged before the court in Quebec or before the committee, but did not. Why, sir, no court would take such a matter up upon its own mere motion, a matter which is not in itself pleadable as a bar to relief, but at most a discretionary appeal. Now, are hon. gentlemen serious in assuming that your committee sitting as judges with certain assigned powers should go outside of them or introduce new questions not submitted to them or raised in the proper way. What would be thought of a judge in court who after a case had been brought before him, undefended, and the plaintiff had proved his case, should cross-examine him and his witness on points which had not been suggested by defendant until he had elicited some damaging testimony and then pronounce a verdict for the undefended defendant? Would not that be the greatest usurpation of authority? Why, sir, we should very quickly hear an outcry for the impeachment of such a judge. The hon. gentleman is singularly unhappy in quoting the Tudor-Hart case. There the principle contended for was the equal responsibility of man and woman. In England the woman could not have obtained relief on proof only of adultery, the man could, and the Parliament of Canada very wisely, as I consider, affirmed the doctrine of equal responsibility, notwithstanding that the House of Lords in their legislative capacity on more than one occasion acted in the opposite direction. And the Act of the Parliament of Canada has evoked the eulogium of one of the greatest if not the greatest of England's statesmen, who said "the Parliament of Canada has done itself honour in founding its measure on the equal responsibility of man and woman." But though as I said before I am satisfied it is done without any misleading intentions ; it is strange to find a lawyer quoting case after case, many of which to my mind are clearly distinguishable from the one before the House, on the evidence. We know that Shakespeare says, "The Devil can cite Scripture for his purpose," and while not imputing any such Satanic attributes to the hon. gentleman, I have had enough experience of lawyers to know that two very different meanings can be put upon the same case. In all the cases submitted by my hon. friend I cannot find one which, clearly considered, has a distinct bearing on this case. In every one of them that I have investigated the cases have been contested, and the points have been raised by the respondent or the counsel for the parties, not by the court. Recrimination and countercharges have been made and on examination or cross-examination by counsel the facts have been elicited. I have not been able to find a single instance, and I think I can safely challenge the hon. gentleman to produce one, where the court took upon itself, where defence had not been raised, to put such a question as we have been asked to do. If it was a proper question to have been put, why did not the court below do it? In discussing this point with the hon. gentleman not later than this forenoon, he informed me that he had disposed of that argument. I turn to page 7 of the debates of that date and I find that when certain cases had been cited by him, the hon. member from Colchester ( Mr. McKay) said that those were contested cases, and the hon. member from Halifax replied, "Yes, but I do not think that alters the case."

Hon. Mr. POWER—There was more than that.

Hon. Mr. KIRCHHOFFER—That style of disposing of an argument reminds me of a story of a man who had a serious discussion with his wife, and put an end to it by saying, "I will not argue with you any more." She replied, "I am not arguing with you. I'm telling you." The hon. gentleman did not argue—he told us that the fact mentioned did not alter the case. Now, I do not consider that he in any way disposed of the objections that were raised. At the same time I do not suppose that, even if the question objected to had been allowed to be put, and had been satisfactorily answered, that we should have the support of any single member who is now making the refusal to put the question the ground of his opposition to the bill. In the quotation he makes on page 7 I read :

> But if the recriminated adultery took place prior to that complained of by the petitioner the House always rejected the bill.

Of course the point here is that there has been recrimination on the part of the respondent. Immediately following he quotes the Bland case. In the case he quotes, Baylis *vs.* Baylis, L. R. 1 P. and D., p. 395, I find the following :

Dissolution—20 and 21 Vic., c. 85, s. 43—Examination of petitioner by the court—Opposed suit—Conduct conducing adultery.

In answer to a husband's petition for dissolution of marriage, the wife pleaded that the petitioner had separated from her without reasonable cause, and thereby conduced to her adultery. The court refused to examine the petitioner under the 43rd section of the 20 and 21 Vic., c. 85, as to the circumstances leading to the separation, having no power to examine the respondent as to the circumstances.

A husband having married a woman of loose character, with whom he had previously cohabited, separated from her against her will shortly after the marriage, and sent her to live by herself in a place where she would be accessible to temptation, and where she was guilty of adultery. There was no evidence that there was any reasonable cause for the separation. The court was of opinion that this was conduct conducing to her adultery, and dismissed the petition.

Surely we cannot look upon this as on all fours with the one now under discussion. Here a man actually sends his wife alone into his bachelor chambers, she warning him that she must have a protector as she had no other means of support. Surely we cannot fairly compare this case with one, where a man having agreed to live apart from his wife takes her to her father's home and leaves her with him, by mutual consent, and makes her a liberal allowance for her support. Surely we cannot compare this with the case of a man leaving his wife under her father's own roof tree.

Hon. Mr. POWER—I do not think that the hon. gentleman has stated that case fairly. In the Baylis case the husband did make her an allowance and the language was used, not to him, but to some one else. There was an allowance of £2 per week made to the wife in that case.

Hon. Mr. KIRCHHOFFER—If so, that would be some exculpation, no doubt. Now, the English Divorce Act, 20-21 Vic., cap. 85, sec. 43, provides that :

The court may, if it shall think fit, order the attendance of the petitioner and may examine him or her, or permit him or her to be examined or cross-examined on oath, on the hearing of any petition, but no such petitioner shall be bound to answer any question tending to show that he or she has been guilty of adultery.

See also Brown on Divorce, edition of 1884 (in Parliament Library) for remarks upon examination and cross-examination of petitioner, which are too long for me to read here. The intention of the Act no doubt is that the foundation for cross-examination of petitioner as to his adultery should be laid by the respondent.

Babbage *vs.* Babbage and Manning, L.R. 2 P. and D. Evidence—Cross-examination as to adultery—32 and 33 Vict., c. 68, s. 3.

A witness cannot be cross-examined as to any act of adultery respecting which he or she has not been examined in chief, although such adultery may not be a question in the cause.

Conradi *vs.* Conradi, L.R. 1 P. and D. 514. The hon. gentleman did not correctly state the point of this case. There had been a previous trial in which petitioner was found guilty of adultery. He presented a fresh petition and in this second suit, the court in the exercise of its discretion granted him a decree *nisi* notwithstanding the judgment against petitioner in former suit, the act of adultery if committed being an isolated one and unconnected with the respondent's adultery and finding of the jury in the second suit, acquitting the petitioner, having thrown doubt on his guilt.

Boardman *vs.* Boardman L. R. 1 P. & D. page 233, is not applicable, because the respondent was present and gave evidence. It was held in this case that the petitioner and respondent who were examined, may be cross-examined upon issues of their own adultery and of each other's adultery.

Barnes *vs.* Barnes, L. R. 1 P. & D. 572, was not quite correctly commented upon by the hon. member from Halifax, The jury found petitioner and respondent guilty of adultery. Co-respondent applied for a new trial. The court directed that a new trial be allowed the co-respondent and if petitioner should apply to the judge ordinary to set aside the issue found against him, then a new trial to be had on all issues. Petitioner's counsel moved the court to grant a decree *nisi* and said petitioner was not in position to have a second trial as he had not the means, etc. Sir J. P. Wilde found against him because he did not move against the verdict. It will be noted that the character of the evidence against petitioner is not repeated in this case.

Hawkins & Hawkins L. R. 10 Probate Division 177, cited by the hon. member from Halifax, is not in point, as in that case petit-

ioner had seduced his wife before her marriage to him, and he afterwards practically abandoned her.

In Dillon's case there was no abandonment there was a separation for which there was cause, and the wife was left with her father, and she subsequently lived with her mother, and had an allowance of $50 a month. Story & Story, L. R. 12 Prob. Div. 196, was also cited by the hon. member from Halifax. The adultery of petitioner was committed prior to that of his wife, and of which he complained. The decision in this case is in line with the ruling of the House of Lords in cases before the Divorce Act went in force. Heyes *vs.* Heyes, 13 Prob. Div. 11, was also cited by him. It is not in point, because the petitioner had practically abandoned his wife, broke up his home, allowed her nothing, and never saw her until after eight years' separation. Five years later he filed the petition—thirteen years from separation. Collins *vs.* Collins, L. R. 9 Prob. Div. 231. In this case a husband obtained a decree *nisi* by reason of his wife's adultery, but his petition was dismissed by reason of his cruelty and adultery. The parties lived together again, and he committed other acts of cruelty and was also guilty of rape, when the wife filed a petition for dissolution of the marriage. The court, under the circumstances, granted the wife a decree *nisi*.

Butt, J., in giving judgment, said :

* * * the petitioner now prays for a divorce. To that one certainly would be entitled, but for the adultery proven against her in the original suit. The question is ought I to allow that adultery to defeat her present petition ? The court has a discretionary power to give or refuse to give that effect to the wife's former misconduct, and I find there are cases in which the court has granted relief to one of the parties to a suit for divorce, notwithstanding previous misconduct of the kind in question.

So far as the action of the committee is concerned the grounds of their refusal to enter on any question not properly before them was formulated and entered on the minutes, and also stated by the chairman in moving the adoption of the report. I consider that the committee could not properly have acted other than they did. In England, and wherever English laws are in force the rule is that every man is presumed to be innocent until proved to be guilty. Under the French system he is obliged to prove his innocence. If this House wants the Divorce Committee to occupy the position of inquisitors, to do as the French tribunals do, expose a man's whole life, and test him on his moral and religious standing, let the House so decree (and they can do it by accepting the motion of the hon. member from Toronto). But in such a case, and under such conditions I know of one member who would decline to serve, and I venture to think that you would be unable to obtain the services of any man possessed of a particle of British instinct.

Now, with reference to the question of a person's religion, I would ask hon. gentlemen how they propose to define what constitutes a man's belonging to any particular church ?

Hon. Mr. DEVER—When he breaks the sacraments of that church.

Hon. Mr. KIRCHHOFFER—The hon. gentleman probably alludes to some particular church.

Hon. Mr. DEVER—I say this man does not belong to the Roman Catholic Church, and this question of his creed should not come up at all.

Hon. Mr. KIRCHHOFFER—In the Church of England and in the Methodist Church I know they have a test of church membership and I presume there are conditions that attach to other bodies. But we all know instances of people reputedly belonging to certain denominations who never attend its places of worship, who conform to none of its regulations, who neither in public nor in private live up to its professions. How are you going to define when such a person ceases to belong to any denomination ? As my hon. friend from Prince Edward Island (Mr. Prowse) has pointed out, there are many instances of distinguished men and even priests leaving the Roman Catholic Church and of others leaving Protestant denominations, but there appears to be no ceremony about it. Nor is it necessary that they should be formally received into any other congregation. They break certain laws, and tenets of an order and they simply cease to belong to it. Now, as I understand it, one of the canons of the Roman Catholic Church is against divorce and certainly one is against adultery. I take it that when people distinctly and openly commit breaches of their ecclesiastical

canons, they aver and declare as openly as if they advertised it that they dissever and disassociate themselves from that church, and I ask hon. gentlemen what process has the Roman Catholic Church for retaining control over either of these persons, or by what right they ask this House to put the pains and penalties of the church in force against them? I think that this matter resolves itself into a simple question of principle. The House is given jurisdiction in questions of divorce without reference to any nationality or religion. I say that neither potentate, nor church, nor prelate has any authority to dictate to this House, or to interfere with the prerogative given to it by the Act which created it. I do not care to enter into the broad question opened by the hon. senators from DeLanaudière and Ottawa. I know what religious convictions are, and there would be little use in reasoning upon matters, which some hon. gentlemen regard as being settled by supreme authority; one cannot but respect their sincere and honest convictions even though unable to agree with them. But the power of Parliament is supreme, and it is our duty not to contend for any individual or for any denomination but to consider what would best tend to the public good. The facts proved in the Dillon case have been deemed in all the cases I can find before the House sufficient to entitle a supplicant to relief. Has any tangible reason been given for refusing this one? The petitioner has proved the adultery of his wife, proved it before a court of this province, proved it before a committee of the House; and I ask you now, independent of all other consideration, to deal with the case under the constitution according to your convictions of right and justice.

Hon. Mr. POIRIER—I congratulate the Divorce Committee on having ruled out the question, "Are you a Roman Catholic"? I do not see that the committee, or this House, is in anyway, as a judicial body, concerned in the religious convictions of applicants for divorce. Roman Catholics may have their own feeling about it, but we are not here acting in a sectional or religious capacity, but in a judicial capacity and according to prerogatives that we have not chosen, prerogatives that were given to us. I also congratulate the committee on having refused to allow this question to be put "Were you married according to the rites of the religious denomination to which you and your wife belong"? What weight would that have with us, whether they were married according to that rite or not? I will perhaps surprise some people in saying that for us Roman Catholics the Protestant marriage is as valid as the Roman Catholic marriage, and that such a marriage according to our honest conviction cannot be annulled any more than a Roman Catholic marriage; therefore, the one marriage being as valid as the other, this question as to the creed of the parties ought not to have been put. A Protestant marriage with us is equal in validity to a Roman Catholic marriage; and in my estimation this is altogether an irrelevant question and the committee were perfectly right in ruling it out. Then the question was proposed "Were you married according to the rites of the church to which you and your wife still belong"? That is the same question, and it was rejected with the same justification as the other. Then the further question was put, "Have you the same religious faith that you had then?" What has that to do with the case? We are not a body of theologians here; we have nothing to do with ascertaining whether a man has faltered in his faith. The question as to his fidelity to his wife might interest us more, but we are not concerned with the other question. We have enough of religious questions raised in this country without going out of our way to raise others of that character. It strikes me that that sort of zeal is not altogether for the glory of religion and of God; there may be some personal view or motive in raising such an issue. At all events, I do not believe it was our province to go into this question, and the hon. gentleman from Lunenburg, in saying that "it is the church that we should have to take care of," certainly displayed commendable zeal and good-will, but I think we can dispense with his paternal care of the Roman Catholic Church or any other church. No doubt the sentiments are good and laudable. We are all Christians here and admire Christianity, but in this instance the zeal might be bordering on imprudence so far as the peace of the country at large and the good understanding of this House is concerned. In his speech he gave us the reason why he put all these questions, which were, as he said, improperly rejected; in his speech he said that "no good Catholic

could apply for a divorce." No one contended that these parties were good Catholics or good Protestants. In my estimation, the man who fails to answer the pertinent question as to whether he was faithful to his marriage vows leaves the door open to suspicion that he was not absolutely a good member of any church; and the woman who has, as far as the evidence shows, committed adultery, is neither a very good Roman Catholic or a very good Protestant nor a very good religious woman of any kind. I therefore congratulate the committee on having rejected those questions, and if the motion were what I understood it to be on the 18th of May, when it was put by the hon. member from Toronto, without restrictions, I should, as I had then intended, have moved an amendment to that amendment striking out the part relating to the creed of the parties. But the other question that was put: "Have you been faithful to your marriage vows as far as adultery is concerned, up to the time you instituted these proceedings for divorce?" is, according to my mind, a proper question to be put. If we take the legal view of the procedure adopted by the hon. gentleman from Brandon, that might not be admitted in evidence. In his very elaborate speech he shows that the question should not have been put because it is an undefended case. The hon. gentleman would be strictly right were the committee an ordinary court of justice, but I think you will agree with me that these divorce petitions are not ordinary cases, and that we are not an ordinary court of justice. When a case is undefended, it should be defended by this House, because it is not a matter which interests simply the parties, but is a matter in which public policy comes in. It is the tradition of England, and it is the tradition here that divorce should only be given on certain grounds, adultery, for example, and that the offence should be well proven. It is also, according to British precedents, the rule that divorce cannot be granted to a man who is equally guilty with the person against whom he invokes divorce.

Hon. Mr. KIRCHHOFFER—I would ask the hon. gentleman if he is not satisfied that that is discretionary with the court? It is not a legal bar to the rule, but it is discretionary. He will find that that is so, if he looks at the authorities.

Hon. Mr. POIRIER—I believe in our case we are not barred by precedents; we should act with the same latitude and be given the same latitude as if the case were defended, because, as I say, it is not simply a case that concerns the two parties, it is a question of public policy; it is the policy of the law to put obstacles in the way of divorce, following the example of England, and recognizing the evil that is caused generally in the United States by the easy way in which divorces are granted. Our rule 115 provides that—

> If adultery be proved, the party from whom the divorce is sought may, nevertheless, be admitted to prove condonation, collusion, connivance or adultery, on the part of the petitioner.

If the other party does not contest the divorce we have the right to step into her place and to see if the applicant for the divorce is himself guilty of adultery, although it might not be absolutely according to the ordinary rules of evidence.

Rule 120 goes further and sustains the higher view I take. It reads as follows:—

> In cases not provided for by the rules the general principles upon which the Imperial Parliament proceeds in dissolving marriage, and the general principles of the rules, usages and forms of the House of Lords, in respect of Bills of Divorce may be applied to Divorce Bills before the Senate, and before the Standing Committee on Divorce.

Now, hon. gentlemen, what do we find? It has been shown, I believe, beyond dispute that were this a defended case before a British tribunal, as we have a right to assume it was defended, that man Dillon would never have got his divorce, because it would have been proven that the man himself was guilty of adultery, and having been guilty of adultery he could not have obtained his divorce. Now what is the object of this motion? It is simply to ascertain whether the man is guilty of adultery or not. We have a right to ascertain that. If the man is not guilty of adultery, by my religious principles I am bound to vote against the bill, because I do not believe in divorce, but acting otherwise I would vote to grant him the divorce. If Dillon is not guilty of adultery, I would grant him a divorce.

Hon. Mr. McCALLUM—Would you vote for the divorce?

Hon. Mr. POIRIER—No, but I believe that under the usage of this House, he should

be granted a divorce if he were not guilty as I have said.

Hon. Mr. BELLEROSE—Not in England. The hon. member from Halifax cited a case which was tried in England similar to this one; they refused the divorce on account of the man having put away his wife. The court determined that he was responsible for the adultery of his wife.

Hon. Mr. POIRIER—I will admit that; but it is a matter of controversy, whether his exposing his wife to fall was a sufficient bar and it is not very well proven. It is a matter that might be a subject of debate, but the other case is clear and I am just dealing with clear cases. If Dillon had been true to his marriage vows, according to the usages of the British courts and according to the precedents of the Senate here, he is entitled to his divorce, but if he has not been faithful he is not. We should ascertain that point before we go further. Let us ignore the religious question altogether. I do not care to know whether the parties are Catholics or not. It is not on record, and should not be put on record.

Hon. Mr. BELLEROSE—Will the hon. gentleman allow me to quote a few words taken from an English authority:

> When the husband obtains an agreement from his wife that they should live separate and this being carried out the wife commits adultery (precisely the same case) the court held that there being no reasonable ground for the agreement the husband had deserted his wife, and refused to grant him a divorce.

In giving the decision Sir James Hannen said it was the petitioner's duty when he became the husband of the respondent not to have left her without protection and being abandoned as she was by him, she must have been exposed to temptation.

Hon. Mr. POIRIER—I just took the one point on which there was no possible difference of opinion; but this makes the case stronger. However, that is not the question now. That question is not raised in the amendment; if it were I might discuss it; I think we might stick to the question before us without seeking for arguments which are not in issue just now. The hon. member from Brandon said that the case was absolutely similar to the one before an ordinary court in which, on matters of evidence, the judge had rendered his decision. It is to a certain extent, with this peculiarity, the committee is not a tribunal of final resort, and in ordinary cases it is a daily occurrence that the decision of a judge is questioned, reviewed, appealed from and either sustained or reversed. What is our position? It is not humiliating the committee in any way. It is simply reviewing their decision on matters of evidence, just as is done on an appeal from an inferior court to a higher court, and I believe we have a right to review that decision, and that it would not be derogatory to their dignity, and it would in no way hurt their feelings. It would be simply a court *en banc* reviewing the decision on matters of evidence of a judge sitting alone in court. For those reasons, hon. gentlemen, I shall vote for the amendment as it is put now, and I believe that we should all, if possible, sustain it, because then the religious question, which has been in my estimation indiscreetly raised, would be set aside, and we would be simply dealing with facts and trying the case on its merits. This matter of Dillon's, besides creating the religious issue which has been discussed, has also brought into the debate here, assertions of a very strange nature and character indeed. If we were to take stock in all the arguments that were given on this question, some strange conclusions would be arrived at. One of the strongest grounds that was brought to bear against Dillon, condemning him without redemption, was the fact that he had abandoned his wife in Paris, and on that an assault was made against that modern Babylon. It was shown beyond controversy that it is sufficient for a man to go to Paris with his wife in order to put himself in such a position that he should not again come before a body of honourable people or to a Senate to ask for justice or anything else; that the petitioner is to be condemned because he went with his wife to Paris. That sort of argument will not involve international complications, I am sure. I believe we are on good terms with France now, in spite of what the papers say. We all know that the Parisians are a dissolute people and an abominable race; we all know that Paris is the worst place in the world. Read the report of any clergyman who goes to Paris and he will tell you that it is the worst place in the world to take a woman to. I have my own ideas about Parisian matters. I have lived there and I have seen

people there. I spoke the other day of this matter to some English people who had been in Paris, because French people might be prejudiced and one of them, a high official here who had been in Paris during the last exhibition, related this anecdote: He said that he had made a close acquaintance with a high official in France and that the official told him that one of the main difficulties of the Parisian police is to get English clergymen out of trouble without giving the matter publicity by exposing them. It was not a Frenchman who told me that; it was a high official, an Englishman. He went on further and said:

> During the time I was in Paris at the exhibition, I went to a public concert, at a place called a *café-chantant*.

Do not bring down the vail before your faces; if you are scandalized it cannot be helped. The subject itself is scandalous—Paris.

> I was there at a café concert—an immense hall resplendent with provoking pictures hanging round, and large statutes moving before me, and not over dressed. The hall was well filled with people, gentlemen and ladies, and upon my word of honour, said he to me, I hardly heard anything spoken in the audience but English. He moreover told me that on Regent Street in broad daylight he was accosted a number of times, and that in Paris he was never accosted at all.

I might give my own experience. I spent almost a year in Paris; if I were to make a public confession and I can say this much, I was never publicly accosted in Paris, because it is against the police laws, and that on the Strand in London, from the Gaiety Theatre to the Alhambra, about three-quarters of a mile, at eight o'clock, when the Strand was crowded, I was not only accosted, but even taken hold of by the arm on the street. Now, hon. gentlemen, after this what is the use of unnecessarily condemning Paris as a place to which no man should take his wife, or should go, or if he shall go with his wife, then he shall not apply here for a divorce? I believe those arguments are quite out of place. The hon. gentleman went further and said "There are more divorced couples in Paris than in any other part of the world." This is a historical error. No doubt the statement was made with the best intention. We are full of good intentions, but that is a statistical error. I could not obtain all the statistics, but I have some statistics, and this is what I find; in the 20 years previous to 1886 in the United Kingdom there were 6,587 divorces; in Russia 21,000; in the whole of France 57,000; in Germany 93,000, and in the United States 328,000. The hon. gentleman was asserting that France was the worst—that there were more divorces in Paris than in any other place in the world, and I must make this remark that at that date these cases which were referred to as divorces were not actual divorces; they were divorces *a mensâ et tora*—separation from bed and board. These are simple separations; divorce did not exist then. Paris, therefore, is not quite so bad as represented, and by deduction, neither are we Frenchmen as bad as we are painted. I believe hon. gentlemen will give us a fair chance, having been attacked unduly and provokingly here, to set ourselves right and also poor city of Paris which needs so much to be defended by me. Here is what I read in an English review about the wicked Babylon, Paris:

> Paris is world-renowned for the number and excellence of its charitable institutions. These are not exclusively the work of the religious portion of the people, but common to all, from the imperial court down to the humblest class. There is a natural basis for charity in the French character. France is the most completely, highly and universally civilized nation in the world.

I do not mean to be unpleasant to London or New York by reading this, but I simply try to make a comparison.

> English and American Protestants exaggerate too much the good of their own civilization, and blow their own trumpet in a fearfully sonorous manner. They think too much of long faces, measured gravity of demeanour, drawdling tones, long prayer set, evangelical phrases, and the tithing, in a metaphorical sense, of mint, anise and cummin. They are blind to the gross social defects and evils marring their civilization; and to the corruptions and immoralities which are poisoning their national life-blood. We do not deny the evils which exist in Paris; nevertheless, we maintain that it is in a far sounder moral state, and far superior in general social well-being, to London and New York.

Since it was given out to be the most depraved country in the world, I thought I was justified in bringing the testimony of an Englishman to show that it was not so. Of course, hon. gentlemen, bad places exist in Paris; but if any of us wish to go to Paris I can tell you that there are some churches there. There are about 50 Roman Catholic churches; there are, moreover,

Anglican, Lutheran, Wesleyan, Swiss and Jewish churches, and therefore if you should be lost at any time, there are resorts you might go to with your wife without exposing yourself to being branded in the Senate as an irredeemable soul. I will not add anything more to this argument, and will conclude with the statement with which I began, that we should leave aside all religious questions in this matter. We are not by the constitution authorized to deal with these questions, and if we wish to pose here as a religious body, let us first amend the British North America Act. Had it been the desire of the Roman Catholic Episcopate that we should make those distinctions, I believe they would have embodied a restriction to that effect in our Federal Act, but as they are all liberal-minded gentlemen, they foresaw that possibly there was no occasion to make that difference, and that, at all events, if any Catholic should apply to us for a divorce he could not, as the hon. member for Lunenburg said, be a very good Catholic. At all events, we have nothing to do with the religious status of these applicants. Let us take simply the legal view, and I hold that as a judge in that capacity, supposing I were not bound by my religious belief, I could not vote for or against the petition before ascertaining whether that man was not equally guilty with his wife—whether he was not an adulterer five or six years before his wife became unfaithful, and, added to that, the argument brought to my mind by the hon. member from DeLanaudière, that if having compelled his wife to live by herself, and having abandoned her, he has not been guilty of collusion, or at least contributed to her downfall.

Hon. Mr. McCALLUM—As I understand the motion of the hon. member from Toronto, it is to refer back the report of the Committee on Divorce for further evidence. As the hon. member who preceded me is making strong appeals to us not to introduce religious feeling into this question, I should like to ask the hon. members of this House what evidence we could obtain from that committee to induce the hon. gentleman, or any other hon. gentleman of his creed, to vote for the granting of the divorce? Do they ever vote in this House for a bill of divorce? I never knew any of them to do so yet. I have known some of them to walk out when a bill of divorce was before the Senate; but I do not want to live in this country if we are going to put the Church above the State. I do not want to live in this country if Roman Catholics cannot come here and get relief on the same conditions as Protestants. I am satisfied with the evidence before this House now to vote for the report granting this man the relief he prays for, without bringing religious matters into it. But these hon. gentlemen want further evidence. What further evidence can we get to satisfy them? Not one of them will vote for it; some of them will walk out; but if they believe no man should have divorce at all, why come here and plead in this way? I admire the Roman Catholics whose belief is against the granting of divorces, who walk out of the House saying "we will have nothing to do with it," but when they get up here and say they want further evidence to satisfy them, they cannot be earnest, because they will not grant relief, no matter what evidence you give them. I only wish to say a few words to show the position I take. I do not say I want further evidence, because if I meant to vote against the man getting relief, I would not want further evidence, but would be satisfied now. I am going to sustain the report of the committee to give this man relief. If there was ever a case before Parliament in which the man ought to get relief, this is the case."

Hon. Mr. VIDAL—I do not intend to occupy your attention more than a few minutes. It strikes me we have wandered far from the question before us, which is, shall this report be sent back to the committee for the special object of obtaining additional evidence? Has it occurred to those who wish to send it back what would be the probable result of so doing? Supposing it went back, and the petitioner were summoned before the committee and asked the question which some hon. gentlemen desire to have put to him, and he refused to answer, on the ground that his counsel advises him that it is a question which ought not to be put and which he should decline to answer; in the minds of some it might be strong presumptive evidence that he is guilty. But presumption is not proof of guilt. I can easily understand that a man of high principle and integrity might take such a stand as that and refuse to answer an improper question irrespective of whether he

was guilty or not. I do not consider that it at all necessarily follows that the petitioner is guilty of adultery simply because he refuses to answer a question, on the advice of his lawyer and on the ruling of the chairman of the committee that it was an improper question and one which he was not obliged to answer. Because he follows his counsel's advice and the ruling of the chairman of the committee, he is not to be set down as guilty without the least scintilla or shadow of proof of his being guilty of the crime. I should like to know why his character has been assailed by that hon. gentleman when there is not a shadow of evidence, nor even a charge of guilt, against him. What would be the position of the House if he still declined to answer that question? Is the House prepared to pronounce him guilty?

Hon. Mr. SCOTT—The law interprets his silence.

Hon. Mr. VIDAL—Well, I do not know what the law may do, but I know this much, that as a matter of right I would refuse to answer such a question regardless of what interpretation might be put upon my silence.

Hon. Mr. POWER—Would the hon. gentleman answer a question as to his conduct up to a certain date and then decline to answer the same question as to his conduct after that?

Hon. Mr. VIDAL—I do not recognize any obligation to answer such a question as that. The man's position is so entirely different from mine that I cannot conceive a question could be asked me which could be applicable in this case. By taking this step the House will not obtain one single item of information more than it has at present. The man has refused to answer and you can make what you will of it. If it is a proof of his guilt, you have it, and where is the use of sending it back to the committee? You will get no more evidence. The committee is not going to hunt up individuals with whom this man may be supposed to have had improper relations. They know nothing about it, and have no evidence even suggesting it. By sending it back you will get no more information than you have now in the report before the House, so that I do not see any possible reason for sending it back to the committee, and when we remember that the committee consists of members of this House who are chosen because of their special qualifications for it, several being eminent lawyers, and that they have decided, with one exception, that the man is entitled to the relief asked for, I cannot see any reason for not accepting their decision. I can easily believe that some will differ as to the weight they will attach to the evidence taken, but for my part I am quite content to take the decision arrived at after a full investigation of the case, and to accept the report presented by the committee, and consequently I can see nothing to be gained by recommitting the report, and must vote against the amendment.

Hon. Mr. BELLEROSE—I am quite surprised at the stand taken by the hon. gentleman who has just taken his seat. He seems to be astonished because it was stated to-day and stated before to-day that the petitioner could be suspected of wrong-doing, because of his refusal to answer to several questions put to him in the committee. Does he not know that in his own province or elsewhere men have been hanged or sent to the penitentiary on circumstantial evidence, and what does circumstantial evidence mean but presumption? And if this is done in criminal cases, why should it not be done in a case like this? The committee were bound to find out whether Dillon deserved to be divorced. Let me quote from the book written by Mr. Gemmill (the very gentleman who told him not to answer), on the question of the adultery of a petitioner—whether the committee can consider that matter when it is not brought as a counter charge. He says:

> But it is submitted that Parliament, and consequently the committee, is not limited to the grounds referred to in refusing to report a bill for relief, but may look at all the circumstances of a case and refuse to confer an advantageous privilege upon an unworthy suppliant when, for example, the condition upon which claim is made has grown out of the individual's own iniquity. Nay, more, as urged by Senator Gowan, Parliament may and ought always to have in regard, not merely the question, as it affects the parties, but the effect in relation to morals and good order—the effect which the passing of a particular law might have upon the well-being of the community. Parliament, as the supreme power, has its duties and responsibilities, and cannot compromise the well-being of society, but is bound to consider what would most tend to the public good.

Now these are the very words of the lawyer that advised Mr. Dillon not to answer,

and yet this House, sitting as a judge here in this case is told that it has nothing to do with this matter. Is that the respect the House is entitled to? Will this House submit to be so treated by outsiders who come before its committees. Then the hon. gentleman thinks it extraordinary that we wish to send that back to the committee. Are there not more than one reason for so doing? Why! The report on its face shows the reason why the bill should not be granted before it be referred.

Hon. Mr. VIDAL—What is the object of sending it back?

Hon. Mr. BELLEROSE—The preamble of the bill is not proven, although the report says it is proven. What does it say? The evidence is that Mr. Dillon swears that he has been always satisfied as to the chastity of his wife up to last September, that he had no reason to doubt her fidelity until last September, and that the only complaint he could make was to her continued absence from home, neglect of her children and other duties of this kind, and what does the preamble say? "When in consequence of her conduct six years ago they voluntarily separated"—What conduct was it? The oath of the petitioner himself acknowledged that his wife's conduct was right, since it is well known that such complaints are not sufficient to justify even a separation from bed and board according to the law of precedents. I refer your Honour to the case of Yateman *vs.* Yateman, which I shall have to quote further on, and while it is so the committee say that the preamble is proven. Now I submit to this House that this error alone is quite sufficient to show that the amendment should be accepted.

Hon Mr. VIDAL—No reason of that kind.

Hon. Mr. BELLEROSE—No sufficient reason of any kind; let the hon. gentleman take the words as they are written, we do not want any interpretation.

At six o'clock the Speaker left the Chair.

## After Recess.

Hon. Mr. BELLEROSE resumed his speech. He said: At six o'clock I was calling the attention of the senators to the objection made by the hon. member from Sarnia as to the presumption spoken of by some hon. gentlemen in the course of the debate, and I was showing that even in criminal cases the court has very often before it nothing else but legal presumption of crimes or offences committed, and that consequently it was ridiculous to say that in this case, we should not oppose the bill merely because we found there was a presumption of misconduct on the part of the petitioner. The hon. member from Brandon (Hon. Mr. Kirchhoffer) thought he made out a good case in stating that the hon. member from Halifax had dealt leniently with the conduct of the respondent. I suppose the hon. member did not understand the position taken by the hon. member from Halifax. What that hon. gentleman did say was the conduct of Mrs. Dillon before last September had been pretty good, since her husband swore that up to that time she had been all right, except that she did not pay proper attention to her children and was frequently absent from home. That was no criminal offence, not even as I have already shown, sufficient reason to separate from her, so that the conduct of Mrs. Dillon, on the sworn statement of her husband, was good before September last. But the honourable member from Halifax, in referring to the conduct of Mrs. Dillon later on, mentioned her adultery, because the evidence established it. But there is nothing surprising in the fact that hon. members look at the conduct of the woman prior to the separation and after the separation, since both have to be argued. The hon. member from Brandon was simply taking up the time of the House with arguments that had no weight. Then the hon. gentleman quoted the 115th rule, and thought that he had made a good point, but had he read over all the rules which applied to this case, he would have found that the 113th rule provides positively that the committee shall inquire into the right of the petitioner to have the divorce. To ascertain whether he has the right to a divorce, you must inquire into all the facts, and if it should be established that the petitioner was guilty of adultery, surely he could not claim a divorce. All the legal authorities are in favour of that view. But the committee refused to admit questions which would elicit that fact, and it is only reasonable now that the report should be referred back to the commit-

tee with the request that they should get at all the facts bearing on the case. When that is done, this Senate will have something more than presumption on which to base their judgment. If I were to give my own opinion on the subject, from my knowledge of Mr. Dillon's family, I should think he would be able to answer those questions without hesitation, knowing as I know the respectability of the family, but we are here to legislate on ascertained facts; let these then be inquired into. This House should base its decision on the facts brought out in evidence, and that is why I wish to have the report referred back to the committee to ascertain whether the conduct of the petitioner has been such as would entitle him to the relief he seeks. I have already cited one authority. Let me now refer to Judge Hannen's decision in a somewhat similar case. It has already been quoted, but I wish to refresh the memory of every hon. member who has to cast his vote upon this matter. Judge Hannen says:

> Every husband is bound to give his wife that protection which the society of a husband affords. Having regard therefore to the petitioner's conduct in leaving his wife without a husband's protection and being of opinion that that conduct conduced to her adultery, I consider that he is not entitled to a dissolution of marriage.

Dillon has sworn that he did not keep any watch on his wife. The quotation which I have just read says that a man who does not keep watch over his wife does not deserve relief if she commits adultery. The quotation is one which clearly bears upon this case. It is often said, and even during this discussion, we have heard it asserted that Parliament could do anything, that Parliament was supreme, that no church had anything to do here. Now that is absurd. The only law which is supreme is the law of God, and to that law Parliament as well as individuals must constantly submit. We must ask ourselves whether we can conscientiously take a certain course. I ask the House to say whether they can conscientiously grant a divorce under circumstances which I have mentioned above or in my previous remarks at the beginning of this debate? I come now to another quotation:

> But the House of Lords refused to pass divorce bills where there were deeds and agreements of separation, unless peculiar circumstances were shown to warrant them. A standing order on bills of divorce (A.D. 1798) required the attendance of the petitioner in order to be examined whether at the time of the adultery, of which such petitioner complained, his wife was, by deed or otherwise by his consent, living separate and apart from him, and released by him, as far as in him lay, from her conjugal duty, or whether she was at the time of such adultery cohabiting with him and under the authority and protection of him as her husband.

Now, in this case Dillon admits that he separated from his wife and paid her to do so, and that they were living apart for years. Can we, with the authority which I have just quoted before us, grant a divorce under such circumstances? I say no. We are following British precedents, and here we have an English authority which would forbid us from granting a divorce on the evidence before us. Again

> In Sullivan's case representations of his wife's misconduct were considered altogether frivolous and the bill refused. The principle seems to have been that an agreement to live separate almost amounted to leave and license, on the part of the petitioner, who had to show an adequate reason for such separation in the previous misconduct of the other party. The mere whim of both parties to live separate was no sufficient cause.

That has been the practice of the House of Lords, and if we follow the precedents of that body we will refuse to pass this bill. There are other authorities, which I need not cite, to show that the practice in England would justify us in refusing this petition. Even the preamble of the bill is not proven. The preamble of the bill states that about six years ago, in consequence of the respondent's misconduct, they voluntarily separated. Now, what was her conduct prior to the separation? The petitioner swears that it was good; that he could not complain, except that she was frequently absent. He swears that he had no cause to doubt her fidelity. How can you say, therefore, that the preamble is proven? There are authorities to prove that even violence on the part of the woman is not a sufficient reason for separation. The hon. member from Brandon referred to the fact that the respondent was not present either at the trial in Quebec or before the committee of this House. That would be a fact going against his contention. It will show that there was collusion or connivance to obtain a divorce. It proves simply that the woman is as anxious to have the divorce as the man himself. It leads to the presumption that this was the end aimed at when they separated in Paris some six or seven years ago.

Hon. Mr. SCOTT—Hear, hear; there is no doubt of that.

Hon. Mr. BELLEROSE—The argument of the hon. member from Brandon only shows how poor the case must be which demands such support. The House should refer back the report to the committee for the purpose of having the inquiry completed. Otherwise there will always be a suspicion that there is something wrong in the affair. The hon. member from Sarnia asked what will be the effect of referring back the report to the committee? I see a good many effects it will have. In the first place, after hearing all the arguments for and against the petition, the members of the committee will be in a better position to complete their inquiry. Another effect will be this, we will be avoiding the mistake of putting on record the statement that the preamble has been proven when a reference to the evidence will show that it has not been proven. If we pass the bill as it stands before us, we will present this spectacle to the public—that we are putting on the Statute book an Act which contains in its preamble a wrong statement. It will establish a precedent which will be quoted hereafter, and these difficulties will crop up again and again. If we refer back the report to the committee and the evidence warrants us in passing the bill, then it will be all right as far as those who believe in divorce are concerned, and the public will understand that Parliament has acted prudently and wisely. But if we pass the bill with the present incomplete evidence before us, the public will lose confidence in this House. Let us make the Senate a court in which the people have confidence. As the matter now stands before this House, there is no case made out to warrant the passing of this billl. I defy any of the members of this Senate who are conversant with the subject to show that a case has been made in the premises. The hon. gentleman from Brandon referred to the question of religion, as did others. Now, what was said on the subject was simply this, that the petitioner, believing that the tie which binds him to his wife is indissoluble, we ought to pause before passing a bill giving him the right to marry again, when he must, in his heart, believe that such a marriage would be simply legalized adultery. In dealing with this point I did so merely for the purpose of showing that should this House pass this bill, it would be a most immoral legislation even for those who believe in divorce, since it would give legal power to a man to marry a second woman during the lifetime of his first wife, he believing in the tie which binds him for life to his wife. In giving him the right to marry again, though he may possibly not do so, we throw temptation in his way to which he may at some future time yield. I may say that should the majority of this House decide to pass this bill it is my intention to move that the second clause of the bill be struck out, but I hope the House will agree with me that the best course is to re-commit the report for the purpose of completing the inquiry. When all the facts have been elicited in accordance with the laws of England on divorce, and the 113th rule of this House, the majority of the Senate will then be in a position to pass or reject this measure and the public will recognize the prudence and care that we exercise in dealing with questions of this sort.

Hon. Mr. MACDONALD (Victoria)—An element has been introduced into this discussion which should not be countenanced by this House—an element which seeks to deprive the subject of his freedom of action, of the operation of the law of the land, and of justice at the bar of the high court of Parliament. That element is the religious one, which gives this discussion additional importance. It is not my intention to say anything which may offend the religious convictions of any of my hon. colleagues, and I feel sure no member of this House will willingly do so. Although in this case creed has no bearing, or foothold, yet that element has been intruded and made part of an irrelevant argument, appealing to sentiment more than to the rational common sense of the House. Religious contentions, which stir up some of the worst feelings in mankind, should not be used in this, or in any case where the question at issue is not a purely religious one. Now, in the case discussed a short time ago, of the Manitoba and North-west schools, it was purely a religious one, and therefore justifiable, and in that instance the hon. gentleman from St. Boniface, and the hon. gentleman from Ottawa had my full sympathy in their contention—that religion should be taught in our schools. The

hon. gentleman from Lunenburg who raised this discussion in his minority report had very firm ground to stand on and to argue from, viz., the abandoning of the wife by the husband, without appealing to the religious sentiment of the House. It is therefore surprising that he, with his experience, and knowledge of the law, should have assumed the tone of argument that he did, and appeal more to the sentiment, than to the reason of hon. gentlemen. I had no idea that the hon. gentleman was so consummate an actor. With tears in his eyes, large tears—not crocodile tears I hope—he pictured the outraged feelings of two millions of our subjects and how grieved they would be if this divorce was granted. He told us that the Church of England, as well as that of Rome, was strongly opposed to divorce, and yet the question was never raised in behalf of the religious scruples of the Church of England. The hon. gentleman from Ottawa has followed the same argument as the hon gentleman from Lunenburg, and introduced religious controversy. He attempted to work on the feelings or the passions of hon. gentlemen, as the case may be. He has appealed to the credulity of the House by using totally irrelevant and delusive argument. The hon. gentleman asked two questions. The first is to this effect—Are we to override the ecclesiastical law? The answer to that is—the ecclesiastical law is only parochial and local, and has not the force of law and no bearing in this case. The second question is—Are we to override the law of Quebec?—The answer to that question is that the law of Quebec is simply provincial and domestic, and does not, and cannot bar an appeal to a higher court, or to the high court of Parliament. No one knows better than the hon. gentleman from Ottawa that the questions he has asked have no bearing in this case, and should not weigh in coming to a decision upon it. The question may fairly be asked—are the domestic laws of Quebec, the canons of any one church to override the authority of Parliament sitting as a court and adjudicating on a class of cases specially left to it under the constitution? The answer to these questions, as is obvious, must be in the negative, and destroys the force of the argument advanced by the hon. gentleman from Ottawa. I am very glad, however, to find that two hon. gentlemen—both Catholics—have a proper idea of the fitness of things. The hon. gentleman from Halifax, and the hon. gentleman from Toronto, addressed this House in a manner which appeals to its common sense, intelligence and judgment. The hon. gentleman from Halifax presented the case very clearly, free from irrelevancy or religious sentiment, giving us its legal bearings, supported by precedent, for our information and guidance. With regard to the minority report, my opinion is that the Divorce Committee, sitting as judges, were not justified in sitting in judgment on one of its own members. They were not justified in refusing to allow a question to be put by one of its members having co-ordinate jurisdiction. I am also of opinion that the long abandonment of the young wife by the husband was conducive to her immoral conduct, and for that reason I will have to vote against the report.

Hon. Mr. REESOR—I beg, before giving my vote, to say a few words on this question as I have heretofore been a member of divorce committees. I served for three sessions in succession on divorce cases. I have taken some little pains to look up the law of divorce, and I have taken care in every case that came from the Divorce Committee this session and last session—in fact generally when such cases have come up — to acquaint myself as far as possible with the facts in order that I should give an intelligent vote. Since the late adjournment of the Senate, I have taken the pains to read over all the evidence in this particular case a second time, and I am forced to the conclusion that the Superior Court in Lower Canada was perfectly justified in granting a separation.

Hon. Mr. POIRIER—No, perfectly civil.

Hon. Mr. REESOR—That court did not put the question to the petitioner as to whether the petitioner had been guilty of adultery. They would have a perfect right to put the question to him and insist upon an answer, if the charge were brought against him by the respondent, the law provides for that. Our committee would have a perfect right, if a charge of adultery had been brought by the petitioner's wife against him, to put the question which was proposed by the hon. member from Lunenburg and ruled out, but unless that question

was fairly put before the committee in accordance with our usage and the rules of the House, I do not think they had any legal right to put the question to ignore those rules and drag it into the investigation in an incidental way, unless indeed something had occurred that showed there was a great deal of other evidence to corroborate the statement. When the question was put to him, a member of the committee said: "You have no right to answer that question; we have no right to ask it of you." That will be found in the evidence. I was not present at the sitting of the committee, but members who were there know whether it is true or not. Then his solicitor spoke to him and told him he had no right to answer.

Hon. Mr. McINNES—In fact he was advised by the committee not to answer.

Hon. Mr. REESOR—Yes. His answer under the circumstances is not evidence of guilt, nor is it alleged that there is anything to corroborate such an assumption. Now, what do you propose to do? Do you propose, in consequence of the report of one member of the committee against the opinion of all the other members, to have the petitioner brought up and re-examined and base further proceedings upon what you can pick out of him by cross-examination? If you do that you take a step that is contrary to British practice.

Hon. Mr. SCOTT—No, no.

Hon. Mr. REESOR—If the respondent appeared there as the prosecutor and knowing there was such a charge against him and the prosecution depended on his evidence, then I admit they had a perfect right to ask him these questions, but he did not appear with any notice that there was to be any cross action. Again a good many of the members of this House claim that the courts of Lower Canada should decide the question—that they would be more likely to do what is right. Perhaps they do not go so far as to say they would deal out justice any more fairly than this House, but they would act more in harmony with the feelings and wishes of the people of Lower Canada and the people of the particular church to which the petitioner belongs. Well, supposing we inquire into what they did there; supposing we look at what the court in Lower Canada did. If that is a better tribunal, and one that is likely to do greater justice, let us see what they did. I will read a few clauses and give the substance of the ruling of the court and their decision:

DAME MARIE ANTOINETTE CATHERINE ADRIENNE DILLON, of the city and district of Montreal, wife, separate as to property by ante-nuptial contract of James St. George Dillon, of Montreal aforesaid, merchant, *Defendant.*

The court, after having heard the plaintiff, by his advocate, upon the demand of *separation de corps* from the defendant, his wife, who has made default to plead; having examined the proceeding, the exhibits produced and the proof and having deliberated;

Consider that it is in proof that the defendant, wife of the plaintiff has been guilty of the adultery mentioned on the dates set forth in the declaration, and that there is cause for pronouncing a *separation de corps* between the said consorts;

Considering articles 211 and 214 of the Civil Code;

Doth adjudge and order that the plaintiff be and remain separate as to body and residence from the defendant, expressly forbidding the latter to visit, trouble or seek him out in any manner whatsoever;

Doth declare the said defendant deprived of all the advantages which the plaintiff has made her by the contract of marriage passed between the said parties on the twenty-fifth day of August, one thousand eight hundred and eighty-three, before Mtre. J. E. O. Labadie, Notary;

Doth grant to the plaintiff the guardianship and care of the minor children, Raphael Barron Dillon and Bligh St. George Dillon, issue of the marriage of the plaintiff with the defendant, reserving to the latter the right to visit her said children at such days, hours and places as the plaintiff shall agree with her.

Now, in the face of this, when a separation has been granted as fully as any law in Lower Canada can grant a divorce, and when they deprive the wife of alimony in consequence of her disreputable conduct, and do all that without even raising the question as to whether the plaintiff was guilty of adultery, are we to ignore what the court did? We are told that that court was the proper tribunal to try the case, and one by which the plaintiff could be compelled to abide, without coming to any higher court in the Dominion as a citizen of Canada; yet that court has done what this committee propose to do, with this addition—her adultery was acknowleged in that court, and she lived in adultery, not only from day to day, but from week to week and from month to month. The case was so notorious that it is probably rare, with persons of

the class to which she belonged, that there is such striking instance. I am one of those who believe that it is for the good of society in a case so strong as this, that we should have a court possessing power not only to separate the parties as they were separated by the Quebec court, but also to allow at least the plaintiff to marry again. It is far better than to place him in a position of temptation to live as men sometimes do, keeping a mistress, or in any other way that would tend to lower his moral status or mitigate against the happiness or benefit of his children. What should follow a case of this kind is an absolute divorce by which the plaintiff could marry again. Of course such a privilege as that the Lower Canada court cannot grant; but this court can grant it, and after looking over the report before us I can come to no other conclusion but that we should grant the relief prayed for. Take, again, what has been the practice of the Senate and of that committee all the rest of the session. As long as I can remember for some years, unless the defendant brought a counter-action against the plaintiff in order to prevent his getting a divorce, they never made it a point to hunt up evidence to see whether he was guilty of adultery or not—not in a single case, so far as I can understand. In the cases that we have this session—and we have had several—they never put that question to one single party petitioning for a divorce: and why is this case singled out? It is singled out, it appears (because we have the statement of my hon. friend from Lunenburg) simply because he is a member of the Roman Catholic Church, and according to the rites and rulings of that church they do not grant divorces.

Hon. Mr. SCOTT—No, no.

Hon. Mr. REESOR—Well, at all events, all the relief that the court in Lower Canada is able to grant is a separation; but the courts, I believe, in all the other provinces, excepting Ontario and perhaps Manitoba which I do not know about, the courts in New Brunswick, Nova Scotia, Prince Edward Island, and British Columbia can grant an absolute divorce and the Senate through their committee and the House of Commons can also grant an absolute divorce. Now, is this a case upon which they may justly and properly act? I think it is; it has to come to that in the end. We might have many detectives, we might call upon the Solicitor General of Canada to have detectives go out, or go down to New York and watch the petitioner to see if he has been doing anything wrong, and then prevent him getting a divorce here at a future time, and in the meantime let this matter be in abeyance. It would be a very improper thing to do, and it would result in far more harm, and be more demoralizing than to act at once upon the merit of the case. I believe the case is just as strong as all the other cases that have been before the House this session.

Hon. Mr. OGILVIE—The hon. gentleman who has just spoken stated that he thought Mr. Dillon held a very good reputation in Montreal. I have known Mr. Dillon, sen., for a great many years, and the two brothers, the two young men, for some years back, since they have been going about the city, and they have borne an extra good reputation—the reputation of never going out with fast young men. I can say conscientiously that Mr. Dillon and his two sons bear an exceptionally high reputation in Montreal and move in the best society.

Hon. Mr. POWER—I regret that the hon. gentleman who has just resumed his seat had not given that evidence before the committee. It would have been more appropriate, perhaps, than to give it at this stage of the proceedings.

Hon. Mr. OGILVIE—I do not wish to be instructed by the hon. gentleman from Halifax.

Hon. Mr. POWER—I do not say the hon. gentleman is asking for the instruction, but it may be useful.

Hon. Mr. OGILVIE—Not at all.

Hon. Mr. POWER—I wish to make one or two observations on the speech of the hon. gentleman from Kings Division. He did not seem to think that any weight at all should be attached to the fact that this husband had left his wife to her own resources for five or six years, but he put in as a strong plea for granting the divorce that if the husband was deprived of the society of his wife he might go astray, and that we should

not put him in the way of temptation. Why did not the husband think about his wife that way? Why did he not extend to the wife the same consideration that the hon. gentleman from Kings wishes us to extend to the husband?

Hon. Mr. BOWELL—It is reversing the argument.

Hon. Mr. POWER—Yes. The hon. gentleman from Kings thinks the House should not put the petitioner in the way of the same temptation, but should allow him to marry again. Why should the petitioner deprive his own wife of the society he was bound to give her?

Hon. Mr. READ (Quinté)—It is all given in the evidence.

Hon. Mr. POWER—I know, but this is evidence coming out of the mouths of the enemy, when they speak their own true feelings. Then the hon. gentleman seems to think it would be a very degrading thing on the part of this House to refer this report back in order that additional evidence might be obtained, and he talked about the Senate placing themselves in the position of employing detectives to inquire into the private history of this petitioner. Now that is not what is proposed at all.

Hon. Mr. McKAY—That is the natural conclusion.

Hon. Mr. POWER—No, not at all. This resolution asks that the report shall be referred back in order that the committee may secure from the petitioner himself, who presented himself as a witness before the committee, an answer to a question which is pertinent to the issue. That is not a suggestion that the committee should employ detectives or anything of that kind. Now, hon. gentlemen, I do not propose to repeat what I said on a previous occasion. There are two grounds on which I object to the granting of this divorce: first, that the husband, by separating from his wife without any substantial cause, has conduced to her adultery. According to the practice of the House of Lords—as given by Mr. Gemmill and as given in other authorities—in the days when the House of Lords dealt with divorce cases, that would have been a sufficient bar to his obtaining the divorce; and inasmuch as our 120th rule says that in cases not provided for, we shall be governed by the rules of the House of Lords with respect to divorce, we would be governed by that rule. The House of Lords never granted a divorce where there was a separation without sufficient cause; and as it is put in one of the cases cited in Mr. Gemmill's book, the House of Lords looked upon a separation as a sort of leave or license to the wife to commit adultery. That is one ground—the separation. The other ground is that, as far as we can judge, the husband's own record is not such as it should be coming before the House. The cases which I cited to the House the other day established both these points, and on either of these grounds the House should refuse this divorce. It has been stated that there have been cases where this objection was not taken. Well, hon. gentlemen, we cannot draw any conclusion or argument from cases which have not been argued. It does not follow, because in a dozen cases the committee neglected to ask questions which should properly be asked, and the question has not been raised in the House, and the divorces are granted, that therefore when the attention of this House is called to the fact that the divorce should not be granted according to the practice of the House of Lords, which we are supposed to follow, and according to the practice of the divorce court in England, that we should go against the law simply because we have neglected in former cases to carry out the provisions of the law. I quite agree with the hon. gentleman from Victoria in saying that he would, on the whole perhaps, have been just as well satisfied if there had been no amendment in the direction of a reference back to the committee. I think myself that the single ground of separation is a sufficient reason for refusing to grant the prayer of the petitioner; but after considering the matter, I think it is better on on the whole that this amendment has been moved, for this reason, that we are now establishing a precedent for future action, and I think that every hon. gentleman cannot help recognizing the fact that it would be a most unfortunate precedent to establish if this report is not referred back. It would just mean that in future whenever a majority of a committee—not only the Committee on Divorce, but

a committee on any private bill—did not wish to admit evidence pertinent to the question before the committee they could exclude it and in that way shut out the truth from the House. As has been pointed out on several occasions during this debate, we are not counsel, we are not witnesses, we are not jurymen; we are judges to a certain extent, but we are legislators in the long run. We are asked to pass a bill, and we should not pass that bill unless satisfied that our action in passing it, is calculated to be in the interests of society. To grant a divorce under the circumstances of this case would clearly not be in the best interests of society, and it would be a most unfortunate thing to establish such a precedent as that which I have spoken of. Supposing that instead of this being a bill of divorce it was a bill to incorporate a railway company. In both cases the petitioners come and ask to have something done by this Parliament for them, and in either case the petitioner is liable to lose his bill if he is not able to satisfy the committee that it is a bill which should be passed. I think it would be a very unfortunate precedent to establish, and for that reason it is desirable, no matter what the result in this particular case may be, that the House should refer the report back in order that this evidence which is pertinent to the issue, as relevant as any evidence could possibly be, may be either got or refused; and that the Senate shall not have established a precedent which shall do any mischief in the future.

Hon. Mr. McINNES (B. C.)—The more this question is discussed the more I am surprised at the position taken by my hon. friend to my right (Mr. Power), the hon. gentleman from Lunenburg (Mr. Kaulbach), the hon. member from Ottawa (Mr. Scott), and all others who have spoken on this question against the measure. What surprises me is that many of them have sat quietly in their seats for the last 25 or 27 years when divorce bills have been brought before this House and never discovered, until the present moment, that it was wrong and improper that questions such as were refused before our committee the other day were not allowed to be put to the petitioner. Do these hon. gentlemen suppose that the entire population of this country that are of a different creed to theirs are not responsible for the moral condition of our people? Do they consider they were unworthy and not proper subjects to come before Parliament with clean hands? And simply because the petitioner and his wife happen to be of a different faith, this bill is opposed.

Hon. Mr. POWER—We do not know what faith they belong to.

Hon. Mr. McINNES—It has been stated time and again in this House that they were born of Roman Catholic parents and educated in the Roman Catholic faith and married by a dignitary of that church. It is in the minority report. What I mean to say is this, hon. gentlemen, that if they look upon it that it was an improper thing to have allowed all the previous cases for the last 26 or 27 years to go without challenging the propriety of opposing the bill on that ground, it is surpassingly strange to me that all at once it should dawn upon them that it was an improper thing to adopt the bill without asking the question. Now the hon. gentleman from DeLanaudière—whom we all honour and respect for his outspoken and honest character—asked the House to send the report back to the committee and put that question to the petitioner "Have you been guilty of infidelity yourself?" Now, I would ask that hon. gentleman, and all his colleagues who have spoken, if the matter is referred back to the committee and Dillon should say in answer to that question, "No, I have not," will he or any of his colleagues, when the report comes back again, support it?

Hon. Mr. POIRIER—We will abstain from voting.

Hon. Mr. McINNES—You will have all the objections on which you ask to send it back removed, and I ask those hon. gentlemen will they vote for it then?

Hon. Mr. O'DONOHOE—Then if that answer be given in the affirmative, the petitioner gets all he asks for.

Hon. Mr. McINNES—Will the hon. gentleman from Toronto vote for it?

Hon. Mr. O'DONOHOE—It is none of your business. I do that which is just tantamount to voting for it.

Hon. Mr. McINNES—I will not reply to any man who will so far forget himself as to make an answer like that.

Hon. Mr. BELLEROSE—If the hon. gentleman will allow me, I will answer it. If the hon. gentleman had been in the House, he would have found that there was something a great deal worse than that answer given by the petitioner, because I argued the case on a point of law. I showed that it was clearly established that there was no case made out, and does the hon. gentleman believe I will vote for a divorce when there is no case made out? If he shows me there is a case made out I will give him an answer on the other point.

Hon. Mr. McINNES—All I have to say is that it is exceedingly difficult to satisfy the hon. gentleman. He has evidently not read the evidence in the case, and if that is not one of the strongest cases that has ever come before this House, then I must confess I am no judge of evidence.

Hon. Mr. BELLEROSE—No case has been made out in point of law.

Hon. Mr. McINNES—The hon. gentleman also stated that from his own personal knowledge the petitioner did not believe in divorce, yet he applied to this Parliament for a divorce. A little further on he stated that he was going to move that the clause in the bill allowing him to marry should be eliminated. Now if the hon. gentleman is satisfied, from his own personal knowledge, that Dillon never intends to get married, and that if he did marry, even if he obtained a divorce, he would be living in legalized adultery, why does he say that he will move that that clause in the bill be eliminated? I cannot understand it, and I do not think many hon. gentlemen in this House can understand it. I regret that it is religion that has created all this unnecessary discussion, and what is religion? Why the hon. gentleman from DeLanaudière and the hon. gentleman from Ottawa and the hon. gentleman on my right and others who have taken part in this discussion have been born of Roman Catholic parents and educated in the faith of the Roman Catholic Church, and consequently they are Roman Catholics, but I venture to say that if these hon. gentlemen had been born of Presbyterian or Methodist or Episcopalian parents, some of them in all probability would be grand masters of the Orange Order instead of being on the other side. The individual who is now addressing you, had he been born of Roman Catholic parents and educated in that church, might possibly have been a bishop.

Hon. Mr. POIRIER—He would have been excommunicated by this time.

Hon. Mr. McINNES—Very good men have been excommunicated and yet taken back into the arms of the church. I regret exceedingly that this unnecessary discussion has taken place on the report. This amendment is a censure on the committee; put any construction the hon. gentleman may endeavour to put on it, the amendment is simply a vote of censure, a declaration that the members of the committee did not understand the duties imposed upon them, and it has been insinuated time and again that they did not act honestly—tha tthey were biassed in favour of the plaintiff. I only hope that if this House has not sufficient confidence in the committee, it will strike a new committee composed of members who are opposing this bill.

Hon. Mr. DEVER—I wish to say that I have not the slightest sympathy with the religious feature of the debate, which I think should be settled in the ecclesiastical court. It should not have been introduced into this civil court at all. I believe in marriage for life, whilst I hold that doctrine for the regulation of my own life, I feel that I have no right to cross the path of those who look upon marriage in a different light. I consider it very ungenerous on the part of some of my colleagues in the House to say that a certain portion of the members of this Senate are always hostile to the passing of divorces in this chamber. It is true there are numbers of members of this House who believe that no divorces should be granted, but whilst they believe in the doctrine for themselves, I have always observed for the last twenty years that they never interfered with the passing of a divorce bill when the proper evidence was produced before this House. I always found that they were passive and allowed the bill to be carried on a division, showing clearly that whilst they held them-

selves the private doctrine that marriage was indissoluble, nevertheless they were willing that the civil rights of our citizens should be respected in this House. Whilst saying this much I must go a little further and oppose the arguments of two hon. gentlemen who sit convenient to me at present. I oppose them both on the moral ground and on the legal grounds. You are all aware of the case where a woman was once taken in the very act of adultery and brought before one of the highest legislators that we have been educated to know. What was the view taken by that legislator? It was that he that was not guilty should throw at the adulteress the first stone. Now, apply this doctrine to the applicant for divorce in this case, have we not a right to expect that he also, before accusing his wife and asking for a bill of divorce from her should be catechised as to whether he had himself been guilty? On that ground, I claim there was a deficiency of evidence on his part to sustain his petition for a divorce. I also claim further from a legal basis that he did not acquit himself properly. We know that when the oath is tendered to a witness in the witness box before the courts of justice, it specifies that he shall tell the truth, the whole truth and nothing but the truth. Now was this man questioned as to the whole truth? I contend that he was not questioned, and that a large portion, possibly, of the truth had been shut out by the action of the committee that when certain questions were asked he was told he must not answer them. Why should this be so, unless there was something wrong? Viewing the matter from this standpoint, whilst I repudiate the introduction of any ecclesiastical question into this House, I feel at the same time that we have a right to send this report back to the committee and ask them for the whole truth, and then when we hear the whole truth it will be time enough for my friends about me to say "we will oppose this bill any way."

Hon. Mr. O'DONOHOE—I rise to make a word of explanation. My hon. friend from New Westminster took me a little short for making use of some term that he deemed not sufficiently silky, although I intended no offence. At the same time, I do not know of any right that he would have to put the question to me whether I should vote or not, and what I said in reply to that was that it was not his business. Now there is nothing out of the way in that. In reference to referring the report back, no intention has been expressed by anybody in the House of casting the slightest humiliation on the committee. What is there in it? To enable the petitioner to come here with clean hands if he can. Then, in that case, while a number of hon. gentlemen may not vote for the bill, they refrain from voting—and that has the same effect—and he gets the prayer of his petition granted whether they vote or not. There is no slur in sending the report back, and perhaps if the matter were examined a little closer it would be much better for the petitioner that the report should go back in order that he may have an opportunity of declaring, as it has been asserted here he can, his fidelity to his marriage vows during this separation from his wife. In that event, the case ends here as the usual vote will go in his favour, while others refrain from voting. I do not see any reason why hon. gentlemen would shut their mouths in any discussion in this House, or why they should not give full scope to their opinions.

Hon. Mr. PROWSE—And their votes too.

Hon. Mr. O'DONOHOE—Yes, if they like. I see nothing hateful or unpleasant in discussing any matters which come before this House. Our rule is, I think, very specific—the 11th rule states this, "the applicant for divorce as well as the party from whom the divorce is sought and other witnesses produced before the committee shall be examined." It is not "may be examined," but "shall be examined," and the petitioner here was a witness before the court and was called upon to answer and he refused. Our rule is as strong as it can be—"shall be examined." Let such a word occur in any of our law books or statutes and immediately there is an end of the matter, because it decides that it is not a mere privilege to a witness but that he shall be examined. That is the law of this House, and upon what grounds is the witness exempted from this examination? Where is the privilege to him to be exempt from examination? If we follow our rule, there is no alternative but to have the report go back. It is not a large labour, nor will it take much time. There is also a provision that in case of difficulty or

intricacy the case may go to the head of the government and be reported on by him to this House. Surely if it can be relegated to him to be reported to this House, much more should we be in a position to relegate it to the committee. As far as I can read the decisions and judgments of divorce courts that have been read, they have little bearing on this subject. The decisions which we are to follow in cases not provided for are those of the House of Lords. That, I take it, means the House of Lords before divorce courts were instituted. The opinions and decisions of divorce courts cannot help us, we must look for the decisions of the House of Lords when it stood as we do without any divorce court. I rose for the purpose of giving this view to the leader of the Government. The field that we have to look to for our precedents is the House of Lords, to which I have referred, and our own rule lays that down, that in uprovided cases that is where we shall look for the purpose of finding out what the law is in cases of this sort. As to condonation, collusion or connivance, the connivance may not be expressed in what has occurred here, but any one who reads the letters of the respondent expressing her wish that this matter would end, and that she would get rid of a name that has given her a great deal of trouble in the past, can judge for himself whether both parties are not eager to have this divorce. How does it come that she expresses this opinion, and how is he so eager? If you cannot from that infer collusion and connivance, where will you find it? To me it is written as plainly as if it where in black and white that there is an understanding between them, and they are both in a hurry to part. If there is an agreeing mind between them to part, there is collusion, and that is the very thing which the Senate makes a cause for refusing a divorce. The agreeing mind between the parties is as clearly proved as if the words were expressed. I say that under our rules the case should go back. If the petitioner had the misfortune of being prevented from answering, he may, in the discretion of the committee find a means of getting over that difficulty and improve his position thereby.

Hon. Mr. PERLEY—This question has caused a great deal of feeling among hon. members. In answer to hon. gentlemen who have spoken on behalf of the committee, I have no feeling of distrust or want of confidence in the judgment of the committee. I believe they thoroughly did their duty and had the advantage of hearing the evidence and they made their report accordingly. I think they acted honestly, and for that reason and for other reasons I do not intend to vote to recommit the report. It would not be justice. I understand that the man is out of the country, and it would be a mean, contemptible sort of way of getting rid of the question. There is sufficient evidence to warrant any man in deciding how to vote on the question. Having heard, before the question came up, that there was likely to be some more than ordinary feeling on this matter I read the evidence carefully to see what was the proper course to take. After doing so I arrived at a conclusion prior to the report of the committee, or before the matter was under discussion in this House. It is my intention to vote against the amendment because I believe that there is sufficient evidence (for myself at least) to come to the conclusion how I should vote on the question. It seems to be a law of evidence to withhold parties from giving evidence in a case—that you shall ask certain questions and not always get all the facts of the case. I think before applying for a divorce a man should be pure himself. I do not believe in granting a divorce when both parties are guilty. In this case, however, the evidence has come out, as I think it should in every case of the kind, because if there is an important matter it is this of separating man and wife. Whether it is according to the law of evidence or not, I hold that no man or woman should be granted a divorce if the petitioner is guilty of the crime for which the divorce is sought. For that reason I shall vote against the bill; because I do not believe in granting this man a divorce. I do not think he was a proper and reasonable husband to treat that woman as he did. His own evidence is that he had no suspicion of anything being wrong with her for ten or twelve years. He took her in the first place to Paris and left her with her father. Up to that time he had no suspicion of anything being wrong with the woman. She was not aware, he says, that he intended to leave her in Paris. That is in the evidence, that she had no idea what he was taking her to Paris for. Now I contend that on so trivial a complaint as he had against her then, it was a very hard thing for him to do to take that

woman to Paris and leave her there. He left her with her own father, it is true, but he was not living with his wife, who was at that time in Montreal. I do not think it was right for him to take her to her father when he had no suspicion of infidelity on her part. He states most positively that he had not violated his marriage vow prior to the separation in Paris, but he does not reply to the question touching his conduct after the separation. Why did he not answer the question? I believe that man had his purposes in view when he took that woman to Paris and left her there. I am going to vote against the bill because I do not think the petitioner should have a divorce. In my opinion, he is equally guilty, although it has not been proven. It has been asked why did not the respondent appear? I have attended meetings of the Divorce Committee two or three times and my feelings have been outraged at the questions that have been asked women on their examination there. I do not think any woman can be blamed for refusing to subject herself to such an ordeal. Therefore, I do not believe any woman is to be blamed for keeping away from the committee if she can do so. All the evidence given, even by the man himself, shows that he treated that woman unfairly. That is no justification for her wrong-doing, I admit, but when you take a high-spirited woman who is treated in that way it is enough to make any person of any ordinary feeling insane. It is enough to drive any woman to desperation. I blame the woman for her conduct, but I have every excuse for her wrong-doing, because she was driven to desperation by her husband's conduct. A woman taken from her home and children, and left in a foreign country by a man who up to that time did not suspect her of doing wrong, might yield to temptation. His wife might have had a wrong disposition, compared to his, to make a happy home, but that does not justify him in taking his wife away from her home and children. Certainly such a man has no right to ask for a divorce. He cannot say that he has been faithful to his marriage vows since the separation. I do not speak from a religious feeling, but from what I consider fair and honest dealing. I would not record my vote on any occasion to grant that man a divorce, because I do not think he is entitled to it, and I do not think his conduct was such as a woman should expect from her husband. As I have said, I shall vote against recommitting the report, because I believe the committee did their duty fully, and with all due respect to my hon. friend from Montreal who spoke so highly of the petitioner, I do not think if he had an opportunity of answering that question again that he would give any more satisfaction than he did before, so there is no use in sending the report back to obtain any further answer from him.

Hon. Mr. KAULBACH.—We have nothing to do with hearsay evidence, talk, gossip or scandals as regards the character, saying or doings of parties not before us in evidence. This case is fraught with serious consequences in the future. Are we to grant a divorce to a man whether he is himself guilty of adultery or not? That is the question which the House will decide by its vote to-day. If the House decides that the question of his own adultery, put by me to petitioner which he refused to answer—the question as to the man's conduct subsequent to the separation from his wife—is one which should not be put, it will be baneful in its immoral effect upon society, and flood Parliament with petitions for divorce, not by the innocent and aggrieved parties, but by those who themselves are steeped in immorality, who need not fear that their own guilt can be exposed, or that their own adultery can debar them from obtaining a divorce—it will be a very unsatisfactory decision to the country. It has been stated that such a question has never been asked before. The hon. member for Amherst, who has been on as many committees as any of us, states that it has always been regarded as an essential question and that he has himself asked it. I can say the same for myself. In some instances it has not been asked, and why? Because the case itself may not have suggested such a question. In this instance it was naturally suggested. As the hon. member from Alberta has said, a man who took his wife under false pretenses to a foreign country separating her from her children—

Hon. Mr. McINNES (B.C.)—Where is the proof of that?

Hon. Mr. KAULBACH—He took her there and abandoned her; that is in the evidence. I say it was not a proper

place or with a proper person to leave her, that he was bound to take care of her. The law is clear that a man who separates from his wife without sufficient cause gives her leave and license to do wrong, and he cannot afterwards, when he has contributed to her offence, come here and claim re lief at our hands, and also refuses to answer the questions as to whether he is not guilty of the like offence of which he accuses her. The whole case rests on this: Are you going to grant a divorce to a man who refuses to explain his own conduct and prove that he comes with clean hands? Under the rules of evidence in criminal cases, which apply to these divorce bills, a man is a competent witness in his own case, and when he comes forward as a witness in his own behalf, he is bound to answer all such questions.

Hon. Mr. BOULTON—Is that question to be put by the judge or by the prosecuting attorney?

Hon. Mr. KAULBACH—I am surprised that such a question should be asked. There is the rule of evidence, and the petitioner put himself in the box. He took an oath to answer all questions put to him, and that question, which was a pertinent one, he should have been compelled to answer. He could not be relieved from answering it. There is no limit to the powers of Parliament or of a member of the committee to ask such questions. We are only one part of the Parliament of Canada. If this bill passes here it must go before a co-ordinate branch of Parliament, and are we to say that we shall exclude certain evidence which bears upon the case? But we are told that if we refer back this report to the committee it will be a reflection upon them. Well, let it be a reflection on the committee. That is no reason why justice should not be done. But some members of the committee say they will retire from it; let them do so. There are men in this House as competent as any members of the existing committee to perform their duties. I say the question whether he was guilty of adultery after he separated from his wife, which the witness refused to answer, is important and a necessary question to fully determine this case, and it is one which must be answered before the Senate can decide the issue. We are asked, is the committee to be an inquisitorial body? I say yes. When a suspicion is aroused, as it was in this case, that there has been collusion or connivance between the parties we have to be more cautious than under ordinary circumstances —more careful even than if the other party were present. The case being undefended we are obliged to take every means to elicit the facts. Rule 115 says we must find upon the question of adultery. It is only when we have not the evidence before us that we must get the intervention of the Minister of Justice, but when the witnesses are before us and under the rules of the House are compelled to answer all questions, I ask how could we possibly get over that and say that the petitioner in this case shall not answer certain questions put to him? If this amendment is rejected and the bill passes, we will establish a precedent, as far as this House is concerned, that no party to a divorce suit shall be asked such a question however apparent his guilt may be. In this instance Dillon refused to answer the question put to him. The presumption is that he was guilty of the same offence that he charged against his wife. Men are hanged on evidence no stronger than that. Circumstantial evidence is presumptive evidence; it is not direct evidence. If ever there was a case in which a man showed his guilt, it was in this case of Dillon's. He did not ask for the intervention of the committee, but when I put the question, before the committee objected, he said that he declined to answer on the advice of counsel. Why? Because he must have felt that he could not answer it without criminating himself. But when I asked him if he had been faithful to his marriage vows up to the time of the separation in Paris, he wanted no protection from the committee—he answered readily "yes." The other question he would not answer because he could not. My hon. friend from Sarnia says that if we send the report back to the committee, Dillon would still refuse to answer the question. In that he would set himself in defiance of the law and would have to take the consequences of his conduct. If the question is a proper one and he refused to answer it that is no reason why the question should not be put again. If he is not guilty he will gladly avail himself of the opportunity to answer. It is a presumption of law when a man can answer a question and does answer it, that

he refuses to answer because he cannot conscientiously answer it in his own favour. That is the only conclusion that can be drawn from Dillon's refusal to answer the question put to him. Dillon cast off his wife—for what? He says himself for no cause whatever—that he had never suspected her fidelity, and that no suspicion was aroused until last September when he sent a detective to find out what her conduct was. The presumption is that he was tired of his wife and wanted to form other ties. I put the question for that reason, and I regret that the committee did not at the time see fit to allow it to be answered. The committee erred—we all may err and I hope no man will vote contrary to what he thinks is right because it is asserted here that the adoption of the amendment would be a censure on the committee. I do not look upon it in that light and I do not see why the committee should regard it as a censure. But there is a more important question before us. It is this—shall an adulterer be released from his marriage vows? There is nothing inquisitorial about the question that was put to Dillon. It was a question which the rules of evidence recognize as a proper one and a question which he is obliged to answer. Rule 117 plainly declares that the rules of evidence in force in Canada in respect to indictable offences shall apply to proceedings before the Divorce Committee. Now the fifth section of chapter 31 of the Acts of 1893 says:

> No person shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any other person. Provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence.

The rule and the law as I have cited are clear and indisputable, that petitioner having made himself a witness was bound to answer the question I asked him, whether he had not been guilty of adultery. Nobody here has ventured to contradict this position. How can we ignore the law that we have passed and which is clearly applicable to this case? If this House decides that the petitioner can refuse to answer such a qnestion, it will have disastrous effects in the future upon the morals and good government of our people. I hope the House will feel bound in conscience and by their sense of justice to give this petitioner the opportunity, if he is innocent of the offence which he is presumed to have committed, to clear himself and if he does not do so that he shall bear the consequence of it.

Hon. Mr. SCOTT—Any hon. gentleman who reflects will remember that in the past a very considerable number of cases have been sent back to committees, and with no reflection on the committees, when further information was desired by the House. We are called upon to judge in this matter, and there is not only the question of the guilt of the party himself, the petitioner, but there are cognate questions that have come to my knowledge and the knowledge of other hon. gentlemen in this House. I have heard, on very good authority, that at the time this woman was brought to Paris her father was living in adultery with a woman there. That is a matter of public notoriety. When Mr. Dillon brought his wife there, with the intention of laying a case against her, how could he be justified in that act? I simply state that fact. That is a fact which has come to my knowledge, and if it were proven the House could not for one instant think of granting the petition.

Hon. Mr. ALMON—How, I might ask, if the case is referred back, is the committee to get the knowledge of that fact?

Hon. Mr. SCOTT—There will be no difficulty.

The House divided on the amendment, which was rejected by the following vote:—

CONTENTS.

| Hon. Messrs. | |
|---|---|
| Angers, | Landry, |
| Armand, | MacDonald (P.E.I.) |
| Bellerose, | Masson, |
| Bernier, | Montplaisir, |
| Bolduc, | O'Donohoe, |
| Chaffers, | Pelletier, |
| DeBlois, | Poirier, |
| Desjardins, | Power, |
| Dever, | Robitaille, |
| Dickey, | Ross (Speaker), |
| Kaulbach, | Scott.—22. |

NON-CONTENTS:

| Hon. Messrs. | |
|---|---|
| Allan, | Bowell, |
| Almon, | Clemow, |
| Boulton, | Dobson, |

| | |
|---|---|
| Ferguson (Queen's, P.E.I.) | Ogilvie, |
| Glasier, | Perley, |
| Kirchhoffer, | Primrose, |
| McCallum, | Prowse, |
| McInnes (Victoria), | Read (Quinté), |
| McKay, | Reid (Cariboo), |
| McKindsey, | Sutherland, |
| Macdonald (Victoria), | Vidal, |
| MacInnes (Burlington), | Wark.—25. |
| Merner, | |

The House divided on the motion for the adoption of the report of the committee, which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

| | |
|---|---|
| Allan, | McKindsey, |
| Almon, | MacInnes (Burlington), |
| Boulton, | Merner, |
| Bowell, | Ogilvie, |
| Clemow, | Primrose, |
| Dobson, | Prowse, |
| Ferguson (Queen's, P.E.I.) | Read (Quinté), |
| Glasier, | Reid (Cariboo), |
| Kirchhoffer, | Sutherland, |
| McCallum, | Vidal, |
| McInnes (Victoria), | Wark.—23. |
| McKay, | |

NON-CONTENTS :

Hon. Messrs.

| | |
|---|---|
| Angers, | Macdonald (Victoria), |
| Armand, | Macdonald (P.E.I.), |
| Bellerose, | Masson, |
| Bernier, | Montplaisir, |
| Bolduc, | O'Donohoe, |
| Chaffers, | Pelletier, |
| DeBlois, | Perley, |
| Desjardins, | Poirier, |
| Dever, | Power, |
| Dickey, | Robitaille, |
| Kaulbach, | Ross (Speaker) |
| Landry, | Scott.—24. |

The Senate adjourned at 10.25 p.m.

---

## THE SENATE.

*Ottawa, Friday, 8th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (50) "An Act to authorize the purchase of the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company, Limited, and to change the name of the latter company to the Dominion Atlantic Railway Company."—(Mr. Power.)

Bill (63) "An Act respecting the Guelph Junction Railway Company."—(Mr. MacInnes, Burlington.")

Billl (64) "An Act respecting the Medicine Hat Railway and Coal Company."—(Mr. Kirchhoffer.)

## CONSPIRACIES AND COMBINATIONS IN RESTRAINT OF TRADE BILL.

THIRD READING.

Hon. Mr. READ (Quinté) moved the third reading of Bill (AA) "An Act to amend the law relating to conspiracies and combinations formed in restraint of trade."

Hon. Mr. ALMON—A number of people have been speaking to me about that bill, and it is said that it passed this House without being properly discussed. I was very much alarmed myself at what my hon. friend said about the high price of coffins, which he attributed to the combines. When a man gets to my time of life he begins to think about coffins. I thought it was a sort of burlesque, but I have been told it is a serious bill now. It affects not only combines, but associations of different kinds. For instance, if medical men arrange a tariff and adhere to it, they could be fined under this bill.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. ALMON—I have been told so, and I think it is not asking too much to request that the consideration of this bill be put off until some time next week in order to afford opportunity for discussion. I know there is a great deal of feeling about this bill, and it is a very dangerous bill, and has not, in my opinion, been sufficiently discussed in this House.

The motion was agreed to.

Hon. Mr. ALMON—I move that the bill be not now read the third time, but that it be read the third time six months hence.

Some hon. MEMBERS—It has been already read a third time.

Hon. Mr. ALMON—Then I move that it do not pass. I objected to the third reading, and so did the hon. member from Montreal, and when we demand a division I think it should be taken.

Hon. Mr. POWER—I do not think the hon. gentleman's point is well taken. The names should be asked for by two members when a division is called for, and the names were only asked for by one member.

Hon. Mr. ALMON—No, my hon. friend from Montreal asked for them, too.

Hon. Mr. POWER—He did not make himself heard.

Hon. Mr. MURPHY—I will be satisfied without putting the House to the trouble of having the division taken, to have it declared that the motion was carried on a division.

Hon. Mr. MILLER—The hon. member failed to go a step further, which is indispensable—he should have called for the yeas and nays.

The bill then passed.

## INCORPORATION OF BOARDS OF TRADE BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (FF) "An Act to amend the Act respecting the incorporation of boards of trade." He said: The provisions of this bill are more explanatory than the granting of any additional powers to the boards of trade. In the North-west Territories special district means each county, town, village or judicial district within and for which a board is established under this Act, and with regard to the North-west Territories that includes also electoral districts as constituted for elections to the legislature of the North-west Territories within and for which a board is established. As the law now reads, a board of trade at Calgary—it was that town that brought it under the notice of the department—has no jurisdiction or power beyond its immediate limit and it is desirable in order to give the power and authority to the boards of trade of the North-west Territories, that the word district should be defined as it is in this clause. That is really the only amendment to the Act as it now stands upon the Statute-book. The second section is merely to carry out the provisions of the Act.

The motion was agreed to and the bill was read the second time.

## NORTH-WEST TERRITORIES REPRESENTATION BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (5) "An Act further to amend the North-west Territories Representation Act." He said: The object of the bill is to give to the North-west Territories the advantage of election by ballot. The bill provides for the same organization as is in use in the different provinces for the election of members of the House of Commons. It provides for the making of the lists and the mode in which an elector can be put on the list if his name has been omitted. It provides for the testing of an election by a recount by application before a judge, and as much as possible brings the working of the ballot in the North-west Territories in harmony with the system in force for the election of members to the House of Commons from the different provinces.

Hon. Mr. ALMON—I am opposed to that bill being read the second time. Introducing vote by ballot into the North-west Territories is a very bad thing. I was in hopes that there was one part of this Dominion of Canada where the old English system would remain, and I think that forcing these people to vote by ballot is an infringement on their rights. I never feel more degraded than when I go to vote in Halifax, when I am shown into a room that is dark, and then shown into a darker room where I am required to mark my ballot. I have to vote as if I were doing a cowardly, dastardly thing. Vote by ballot is not only degrading to the person who votes, but it is a humbug. I appeal to the hon. gentleman from Halifax whether we do not there acknowledge that the vote by ballot is a fraud. The Liberal Legislature of Nova Scotia has decided that persons holding offices under the Dominion Government are not allowed to vote. If vote by ballot amounts to anything, would there be any necessity for doing that? The Liberals of Halifax——

Hon. Mr. PROWSE—The what?

Hon. Mr. ALMON—The Grits, if that pleases you better—they have decided that vote by ballot is a fraud and that therefore persons who hold situations under the Dominion Government, when they put in their ballots, are known and spotted for doing so. Is there any election which takes place, even in Ontario, in which you do not hear the statement made that bribery was used? Vote by ballot does not prevent persons being bribed. In my opinion vote by ballot encourages bribery. Supposing my hon. friend from Alberta under this bill were to vote against the party to which he belongs—I do not know what the party is—if the vote were open his course would be known. I was a member of the House of Commons when the bill adopting the ballot was introduced there and I said a few words against it. It did not extend to the North-west Territories and I had a feeling of pride that there was some little portion of this Canada of ours where vote by ballot had not been introduced. I am surprised to see a Conservative Government introducing such a bill and if I stand alone I shall vote against it.

Hon. Mr. POWER—I sympathize deeply with the afflictions of my colleague. I do not concur in the reflection made on the hon. gentleman from Wolseley. My hon. friend said if that hon. gentleman went up to vote he would know he was not voting according to his conscience.

Hon. Mr. ALMON—I did not say that. I said I did not know his politics.

Hon. Mr. POWER—My hon. colleague said if he voted in a different way from the way in which he had been speaking, and voted against the party with which he had been associated, it would not be known under the ballot. I do not think as badly as that of the hon. gentleman from Wolseley. It happens, singular as it may appear, that my hon. colleague from Halifax and I agree on the question of vote by ballot. I was opposed to the introduction of the ballot in Nova Scotia in 1870 and I have never changed my mind on the subject. However, I do not agree with my hon. friend in his opposition to this particular bill. The hon. gentleman has thought proper to refer to the fact that in the province of Nova Scotia certain Dominion officials were disqualified.

Hon. Mr. ALMON—All of them.

Hon. Mr. POWER—No; not all of them.

Hon. Mr. ALMON—Pretty nearly all of them.

Hon. Mr. POWER—Not at all. We are not going into fractions, but they are not all disqualified. The hon. gentleman did not think proper to inform this House as to the reason why those officials had been disqualified. The reason was this, that at an election in the autumn of 1870 the Dominion officials were practically brought up in a brigade to vote against the Liberal party; and as long as those electors were not allowed to exercise their franchise freely it was thought better that they should not be allowed to vote at all, because voting as they did they represented not their own honest individual opinions, but the wishes of the Dominion Government, which at that time were very hostile to the then local Government.

Hon. Mr. McKAY—I hope the hon. gentleman is speaking only with reference to Halifax.

Hon. Mr. POWER—Yes, the election to which I refer was a by-election, and I only speak of the county with which I am familiar.

Hon. Mr. BOWELL—Will the hon. gentleman inform us what was done in the fall of 1878?

Hon. Mr. POWER—There was nothing of that sort done in Halifax at any rate. As a matter of fact, I believe in Halifax the great bulk of the officials voted against the Liberal candidates in the election of 1878. I was going to say with respect to this bill, that I rejoice at the fact that the Government have introduced this measure even though it comes so late. The reason usually given for the introduction of the system of voting by ballot is that it enables persons who are subject to the influence of other persons or corporations to vote according to their consciences and to their political convictions without the fear of any bad results to themselves. That is about the only reason which could be given in favour of the system of voting by ballot. Now, if there is any portion of the whole broad Do-

minion where such a system of voting is necessary, it is in the North-west Territories, because there the influence of the Government and of the great corporations is almost supreme. Any one who is familiar with that country knows that the number of voters in the North-west Territories who are completely independent of Government influence and independent of the influence of the great corporations is very small indeed; and I rejoice that at last the change which I advocated on a great many former occasions, when measures with respect to the elections in the North-west Territories were going through this House, is about to become law, and that hereafter the result of the elections in the North-west Territories will be in a very great measure the indication of the honest, independent convictions of the electors.

Hon. Mr. PERLEY—Being from that section of the country which this bill more particularly interests, I may say that this bill is introduced, I presume, largely owing to the expressed wish of a large number of the people of that country. Now I have had to do with elections nearly all my life, long before I was of age; I have been interested in electioneering and canvassing for members of Parliament. We had the first election in Alberta in 1887. We had one in 1888, and we have had two since in the riding that I have the honour to reside in, and I must say that I never saw more independent voting in my life than was exercised there upon open franchise. No man was ever approached and I have never seen a man intimidated in any shape or form. I believe the people have voted as freely and independently without the ballot as they will with it. A large number of people, perhaps, have clamoured for the ballot because they were influenced in some way—homesteaders who have not got their patents and who were in some way under a compliment to the Government. I have never known the Government to, in any way, try to favour a man that supported them in preference to a man who was against them. I have in my own capacity, as a representative of that country, received favours as freely for those who oppose the Government as those who vote for the Government. There is nothing which would so damn a man in the estimation of the Minister of the Interior—I do not say the present Minister of the Interior—but the last Minister of the Interior, or any Minister of the Interior whom I have been associated with in any way—as to say that a man was a Tory and for that reason was entitled to some consideration. His claim would be suspected from that very moment. I am going to support the bill. I think it right and fair that the same principle should be adopted in all parts of the Dominion of Canada, and for that reason I favour the bill, although I do not think it will in the least degree serve the purpose that the Opposition fancy it will—that is, in weakening the influence of the Government in elections. I believe the result will be just the same in the future under the ballot as it has been by open voting.

Hon. Mr. FERGUSON (P.E.I.)—I have never been a very strong admirer of the ballot myself. In Prince Edward Island we have had open voting. We introduced the ballot and had a trial of it for some years and it was repealed, mainly I may say on account of the expense of the revision of votes and the printing of the lists; but if it were merely a question upon which I could express an opinion apart from other surroundings, then I would vote against this bill. However, as all the rest of Canada has the ballot, I do not think it would be wise to throw any difficulty in the way of extending the same principle to the North-west Territories, especially as there has been somewhat of a demand from that quarter that the ballot should be introduced. I was rather amused at the observations made a moment ago by the hon. member from Halifax with regard to the disfranchisement of so many officials in the province of Nova Scotia, and the kind of excuse which he gave us for that most extraordinary conduct on the part of the Provincial Government. My hon. friend says it was found that Dominion officials were not independent and that they had been driven to the polls in batches to vote in support of the Government of the day at that time in elections, and consequently the Provincial Legislature of Nova Scotia disfranchised them. The same thing has been done in the province of Prince Edward Island, but not avowedly for a similar reason. I may remark that we had the same Liberal influence at work. It was by the so-called Liberal party in Prince Edward Island that

the act was done, and in that case the Premier gave as his reason that it was out of kindness to these officials because they were really placed in very difficult positions and were forced to exercise the franchise against their conscience in many cases and desired disfranchisement. On that account, in order to relieve them of a disagreeable and difficult duty, the franchise was taken away. This was the statement made in the legislature, but as soon as that statement was made the men proposed to be disfranchised, to the number of two or three hundred, placed a petition on the table of the House next day protesting against the franchise being taken away from them, and then the same argument was used that we have heard to-day from the hon. gentleman from Halifax—that they were not independent and that the very fact that they presented a petition against their rights being taken away, showed that they were not independent—that they were under the influence of the Government at Ottawa and ought to be disfranchised. I have regarded the disfranchising of men as a very high-handed act, a dangerous thing to do. It has been done in many provinces. Nearly every man enjoying or holding any office under the government or any emolument, down even to a permanent day labourer, has been disfranchised in Prince Edward Island. It is a very dangerous and high-handed act, and as the matter was referred to here, I felt it my duty to make these observations upon it. I cannot speak, of course, for Halifax, but I can speak for the Dominion officials in Prince Edward Island, that they have never been coerced or influenced by the Government to vote in any way, and that as a fact a very considerable number of them had been appointed under the Mackenzie administration and have remained outspoken, consistent supporters of that party, from that day until the present time, and that many of the officials in that position who were supporters of the Mackenzie administration and have continued to oppose the present Government, have not only been retained in office but have been promoted from time to time and their salaries increased. That is the fact regarding Prince Edward Island, which is notorious in the province in which I live, and I am sorry that such a course has been pursued, and I almost think that it is in the power of the Federal Parliament to remedy it in some way or another in order that all the citizens of the different provinces of the Dominion should have the freedom of voting at all the elections where their property and their civil rights and everything that is dear to them are being actively legislated upon.

Hon. Mr. MACDONALD (B.C.)—After the speech of the hon. gentleman from Halifax, in which it is pointed out that the Government were losing all their friends in the North-west Territories, I think the hon. gentleman had better withdraw the bill or else lose their support in that country. Apart from that, I think the ballot is a most corrupt system. It induces the bribery of men who accept money for their votes and then vote the other way. I think men should honestly come forward and give their votes. However, I suppose this bill is demanded by that part of the country and will carry, and therefore I will not oppose it, but I think it is a pernicious system.

Hon. Mr. REESOR—If this bill has no other effect than to frighten parties from giving bribes to voters because they cannot tell whom they will vote for, that will be one good result from the bill. There is no greater evil in any country where we have elective institutions than the evil of bribing voters, directly or indirectly, by the promise of favour or giving of money, or the dread of being persecuted in some way by a man who may have the voter in his power. I do not now speak of that as being limited to one party, either in this country or in the United States, or in England, but I think it is something that should not be done, and any measure that the legislature can pass which will tend to lessen the effects of it, ought to get the consent and support of the House.

The motion was agreed to, and the Bill was read the second time.

## GENERAL INSPECTION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (125) "An Act to amend the General Inspection Act." He said: As will be seen on reference to the bill it provides that there shall be added to the law already regulating the inspection of

grain, &c., a provision applying to the inspection of hay also. It has been found in the large trade that has lately grown up between Canada and England that it is necessary, for the protection of the farmer and of the exporter as well as the importer, that there shall be some system by which the different qualities of hay shall be designated when it arrives in that country, and it has been deemed advisable to add to the provisions of the Inspection Act one to deal with hay. It makes three classes of hay and also three classes of clover, with a provision for a fee of twenty cents. I think that those who have paid attention to this growing trade of the Dominion will recognize the necessity of the passage of an Act of this kind.

The motion was agreed to and the bill was read the second time.

## INSPECTION OF SHIPS BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (113) "An Act to amend the Inspection of Ships Act." He said: The provisions of this bill are to do away with an apparent contradiction in the Act as it now stands on the Statute-book. Section 3 of the Act for the Inspection of Ships gives power to inspect all ships except those of Her Majesty and ships classed in Lloyds's Register of British and Foreign ships. Then, on reference to the 8th section of the Act, special power is given to the inspector to visit any ship without any exception whatever. The provisions of the present bill are to do away with that contradiction and to prevent conflicts which have arisen, I believe, in the past and which are likely to arise in the future. If an inspector should, under the authority of the 8th section, go on a vessel that had been registered in Lloyds, he might be prevented from making the necessary inspection as to the quality and strength of the tackle and other articles which are used principally in loading vessels. The captain of the vessel might resist that inspection under the authority of the 3rd section which exempts vessels of Her Majesty and also vessels classed in Lloyds's Register under the British and Foreign Shipping Act. The intention in the clause is to do away with that contradiction and it reads as follows:

8. Notwithstanding anything to the contrary contained in section three of this Act, every inspector may, at any time, visit any ship, whether registered in Canada or elsewhere, and whether propelled wholly or in part by steam, except ships belonging to Her Majesty.

It exempts from inspection Her Majesty's ships by the inspectors in Canada, but extends the right to all other vessels.

Hon. Mr. MACDONALD (B.C.)—What is the cost of inspection? So much per ton I suppose?

Hon. Mr. BOWELL—It is not provided in this bill. This is merely an amendment to the Inspection of Ships Act. When we go into the committee I will take up that point.

Hon. Mr. ALMON—Foreign men-of-war are not to be inspected, are they?

Hon. Mr. BOWELL—Foreign men-of war would not be registered by Lloyds, and consequently they would not come within the meaning of the Act.

Hon. Mr. ALMON—Would British men-of-war be registered in Lloyds?

Hon. Mr. BOWELL—They are specially exempt from the operations of the Act.

The motion was agreed to and the bill was read the second time.

## RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (14) "An Act to amend the Railway Act." He said: This is a very short bill, and simply makes provision for the protection of motormen on electric cars by adding the following words to the first paragraph:

And may also make regulations requiring proper shelter to be provided for motormen and other employees operating electric and other railway cars.

On reference to the Railway Act, chapter 29, section 3, you will observe that among the powers which are given, one is:

To make regulations with respect to the men that are passing from one car to another either inside or outside of, and for the safety of the railway employees for passing from one car to another, and for the coupling of cars.

Then the words are added which I have quoted. The necessity for an amendment of that kind has been brought under the notice of the department from the many accidents which have occurred from exposure on the street cars of the country.

The motion was agreed to, and the bill was read the second time.

## PRESERVATION OF GAME IN THE NORTH-WEST TERRITORIES BILL.

COMMONS AMENDMENTS CONCURRED IN.

The Order of the Day being read,

Consideration of the amendments made by the House of Commons to Bill (Z) "An Act for the Preservation of Game in certain parts of the North-west of Canada."

Hon. Mr. BOWELL said: In moving concurrence in the amendment made to the bill for the Preservation of Game in the North-west Territories, I have to ask the Senate to dissent from the first amendment. It is a very small matter it is true, but it is a proposal to change the name of the district of Keewatin. The proposition of the House of Commons is to strike out in the second clause the word "Keewatin" and to spell it "Keewayden." Now it may be, and I think it is a fact, that you will find the latter spelling is adopted in "Hiawatha," and it may in all probability be the correct mode of spelling the word if they were spelling it in Indian, but as the Consolidated Statutes of Canada in the Act respecting the district of Keewatin, and all Acts on the Statute-book referring to that portion of the Dominion spell the word "Keewatin," I think it is just as well that we should retain it. I therefore move that this amendment be not concurred in.

The motion was agreed to.

The other amendments made to the bill in the House of Commons were concurred in.

## HUDSON BAY RAILWAY BILL.

SECOND READING.

Hon. Mr. BOULTON moved the second reading of Bill (CC) "An Act to enable the Government of the North-west Territories to unite with the government of the province of Manitoba in the construction of the railway to Hudson Bay as a public work." He said: Hon. gentlemen will recollect that I introduced a bill of the same character some time ago, and that that was ruled out of order in consequence of my having embodied in the bill a responsibility on the part of the Dominion Government to co-operate in the construction of the railway which is now the subject of my remarks. The rules of the House prohibit the Senate from introducing any measure that will entail any financial responsibility upon the Federal Government. The bill that is now presented for your consideration does not impose any such responsibility on this or any other government. It is a bill for the purpose of bringing before the people of Manitoba and the North-west Territories a simple mode by which they can effect the construction of the Hudson Bay Railway. Hon. gentlemen will understand that this question is a far more burning one to the people of the North-west than it is to the people of Eastern Canada, who look rather coldly upon a public work that may have the effect of diverting a portion of the trade and traffic of the North-west from Eastern Canada. The people of the North-west Territories are moved to promote their prosperity by seeking to secure a cheaper outlet for their produce, if it is possible to do so, and also competition in freight rates which they have to pay in order to transport their produce from the North-west to foreign markets. The produce that they raise is all of a heavy character, consisting of grain, cattle, &c., and the heavier the produce the greater the burden upon the labour which is engaged in producing it. The bill that I am asking this honourable House to allow me to present to them for their consideration is one to enable the Territorial Government in the North-west Territories to unite with the Government of the province of Manitoba in order that they may jointly pool their interests in promoting the construction of the railway. The North-west Territories, hon. gentlemen will understand, do not occupy the same position as any province of the Dominion. They are still in their infancy, we may say, as a portion of this Dominion. Full powers have not been conferred upon them such as have been conferred upon the province of Manitoba, and therefore it is necessary to come to the Dominion Parliament to ask for power to unite with the province of Manitoba

in order to pool their interests. Hon. gentlemen may think that it is a bill of a rather unusual character in so far as a member of this House is asking for legislation that the Government of Manitoba and the Government of the Territories have not sought, but it has always been supposed that there is a charter in existence to build a railway to the Hudson Bay. We live in that broad country in a very scattered condition. We have very small facilities for communicating with one another, and it is only by some such means as I am now proposing to adopt that you can disseminate information and put people on the track of projects by which they can improve their circumstances and better their interests. It is, therefore, not out of place for me, as a private member coming from the North-west Territories, representing in this honourable House the interests of the people who reside there—it is not an improper thing for me to propose this measure and ask the House to assist me in perfecting it in order that it may provide facilities which they may take advantage of or not just as they like. It imposes no obligation on them to do so, but we provide the facilities and if the Government and the people of that western country think that it is an easy method by which they can acquire what they so long have been desiring to acquire, an outlet to Hudson Bay, the facilities will be provided by Parliament to enable them to do so. Many people think there is a charter in existence, as I have said, for the construction of a railway to Hudson Bay, but on looking through the statutes I find that so far as a charter for a railway to the bay is concerned, it is not in existence. That is to say it is not alive in consequence of the efflux of time, the period having passed over within which they should have constructed that railway between the Saskatchewan and the bay, and in order to show exactly how it stands, I will read to you the various clauses which affect the charter. In 1883 the two railways which were then promoted, one the Nelson Valley Railway, the other the Winnipeg and Hudson Bay Railway were amalgamated. An Act was passed giving the Winnipeg and Hudson Bay Railway a charter to go to the bay. Clause 29 of that Act says:

> The railway shall be commenced within three years and completed within ten years after the passing of this Act.

That would bring it to 1893. Then in 1884 there was an amendment to that Act which provides so far as the completion is concerned:

> So that the said railway shall be commenced within two years and completed within six years after the passing of this Act, and the said company shall each year after the commencement of construction complete at least fifty miles of the railway hereby authorized to be constructed.

That was in 1884 and it provided that the railway should be completed by 1890. In 1887 there was an Act passed to consolidate and amend the Acts relating to the Winnipeg and Hudson Bay Railway and Steamship Company. In that Act it said, section 33:

> The said main line of railway shall be completed within four years from the 21st day of June, 1887.

So that the Act of 1887 required that the railway should be completed by 1891. Then in 1890 there was an Act passed, an amendment with regard to the completion. Section 33, the section I have just read, was repealed and the following substituted therefor:

> The said main line of railway shall be completed to the Saskatchewan River within four years from the 21st day of June, 1890.

So that the Act of 1890 does not provide for the completion of the railway to Hudson Bay, but only for the completion of it to the Saskatchewan River. Then we had a bill before us the other day which passed and became law in consequence of that Act which was passed in 1890 having lapsed by the efflux of time. A bill was brought in this session extending the time for the completion of the railway for two years from the present date but only for the portion to the Saskatchewan River. That would indicate to me that the present company have abandoned any intention of constructing the line to the bay. They have twice applied to Parliament for an extension of time and in neither of the applications have they decided to extend the time beyond the section of the railway to the Saskatchewan River, and, therefore, it is self evident to any one that they do not desire to go to the bay, and that they apparently have, so far as their charter is concerned, abandoned that part of the project. I have not a sufficient legal knowledge to express a decided opinion upon it, but that the charter is dead so far as that portion

of the line beyond the Saskatchewan is concerned, there seems to be no doubt at all so far as the statutes indicate it; and as section 89 of the general Railway Act provides for completion within seven years, or powers granted by special Act shall cease, and be null and void as respects so much of the railway as then remains uncompleted, and as two amendments have been before Parliament providing only for an extension of the time between the Saskatchewan and the city of Winnipeg, I am led to the conclusion that the extension to the bay was a matter for future consideration. In bringing this bill before the House for your consideration, I am not, therefore, interfering with the welfare or progress of any existing railway or any private charter between the Saskatchewan and the bay, and, therefore, it stands alone as an application to Parliament for legislation that will enable the people of that western country to find an outlet by Hudson Bay. Consequently, we may fairly and properly consider the bill upon its merits, whether it is a reasonable and proper one, and whether it is a bill that will be a workable one if passed by Parliament. The bill that I have brought before the House is, perhaps, deficient in many respects, because I might say that I am the author of it myself. I have had to draw the bill up myself without any assistance excepting the aid that I obtained from the statutes relating to the Intercolonial Railway, and it is based on the system which was utilized in order to build the Intercolonial Railway in 1867. I may say that the Intercolonial Railway stands a credit to the country so far as its construction is concerned. It is looked upon by railway men as being one of the best constructed roads on the continent—perfect in every way, its permanent way and everything else being of the most substantial character, and the same principle of construction applied to the Hudson Bay Railway I believe would be productive of the same good results. One of my objects is to have this bill embodied in the Debates so that those who receive the "Hansard" may see the provisions of it. Our "Hansard" goes to all the papers, as it is distributed around the country, and goes to individuals, and it is for the purpose of giving the information that it contains in it that I desire to read the bill, in order that it may go on the Debates, and if hon. gentlemen would dispense with the reading of it, it would save time.

Hon. Mr. BOWELL—The whole bill?

Hon. Mr. BOULTON—Yes. The hon. gentlemen having thus dispensed with the reading of the bill before them to enable it to go on the "Hansard," I will not detain the hon. gentlemen by reading the bill. As I stated before, it is a bill whose provisions are principally taken from the statutes of 1867, if they adopt similar legislation with regard to the construction of this railway as a public work. If this bill should receive the sanction of this House and Parliament, it will stand by itself as one bill in existence for the construction of a railway to the Hudson Bay, and by passing it this session even without the application of the Governments who are opposed to be more interested than an individual can be, we will save one year's delay and give the people of the North-west Territory an opportunity of discussing the merits of the scheme between now and the time the Provincial Legislature and the Territorial Legislature meet, in order to consider the scheme whether it is advisable or practicable. We do not by passing the bill impose any obligation on them; we offer them something for their consideration; it is not anything that costs any money to the country, except the printing of the bill in its present form.

Hon. Mr. McKAY—If the hon. gentleman gets his bill passed and it is in the statutes will not that be sufficient without publishing it in the Debates?

Hon. Mr. BOULTON—It may not get into the statutes.

Hon. Mr. REESOR—Will you have the names of the provisional directors in, or have you them in already?

Hon. Mr. BOULTON—There are no provisional directors. It is a public bill to be taken advantage of by the Government of the province of Manitoba and the Government of the North-west Territories. It is not a private bill at all, it is purely a public measure for a public work, but it requires legislation on the part of the Dominion Government to enable the North-west Territorial Government to unite with the Govern-

ment of Manitoba, and to enable either or both to extend beyond their boundaries to the Hudson Bay.

Hon. Mr. MILLER—Do you want the bill as part of the speech to go into the Debates?

Hon. Mr. BOULTON—Yes.

Hon. Mr. MILLER—You cannot read it as part of your speech.

Hon. Mr. BOULTON—I can read the bill.

Hon. Mr. MILLER—No.

Hon. Mr. ANGERS—No, we object to your reading it.

Hon. Mr. McKAY—According to the practice of the House of Commons nothing goes into the Debates unless it is read, and spoken to before the House.

Hon. Mr. BOULTON—It has been already taken as read and if there is any doubt I will claim my right to read the bill which I refrain from doing only for the convenience of the hon. gentlemen. However, this is a great public work, and although I am apparently creating a little amusement in the minds of some hon. gentlemen at the novelty of the bill that I am bringing before the House, still it is a work that is considered of very great importance in the west and I have no doubt that if Parliament were to pass it, it would commend itself and commend the action that Parliament had seen fit to take very much to the people of the North-west Territories as I think those hon. gentlemen who come from there would bear me out in The bill is as follows :—

SENATE BILL.

An Act to enable the Government of the North-west Territories to unite with the Province of Manitoba in the construction of a railway to Hudson Bay as a public work.

WHEREAS it is desirable to open up the Hudson Bay to Canadian commerce, and to further utilize the traffic of its waters for the cheapening of the transport of the Western Territories of Canada ;

And whereas it is desirable that the utmost economy should be exercised in the construction of a railway that must of necessity for many years be limited in its local traffic, and mainly dependent upon its traffic with the Hudson Bay itself ;

And whereas the opening up of the Hudson Bay waters is of national importance and will add to the national welfare of Canada, it is desirable to secure the construction of a railway to a port on Hudson Bay ;

And whereas the chief benefit to be derived by the construction of a railway to connect our western prairies with the Hudson Bay will accrue to the people occupying those territories ;

And whereas for the better carrying out of the construction of the Hudson Bay Railway as a public work, it is desirable to institute such legislation as will enable the North-west Territories of Canada to combine with the province of Manitoba in providing the means whereby the said railway may be constructed, upon such terms and conditions as may hereafter be decided upon ;

And whereas the North-west Territorial Government of Canada has not the legislative power that will enable it to unite with the Government of the province of Manitoba for the purpose aforesaid, and it is desirable such powers shall be conferred upon it upon such terms and conditions as are hereinafter specified in this Act ;

And whereas for the better carrying out of the aforesaid intention, it is desirable that the construction of the said railway shall be carried on by a body of four commissioners in whom shall be vested the powers necessary to hold the assets, to carry on the work of construction, to levy rates upon the province of Manitoba and the North-west Territories, to provide the interest, to provide a sinking fund to meet the principal sum of money necessary to raise for the construction of the said railway, not provided for by the earnings of the railway, that these commissioners shall be appointed in such manner, and upon such terms as may hereafter be agreed upon ;

Therefore in fulfilment of the duty contained in the foregoing preamble and in order to carry out the intention therein expressed, namely to enable the governments of our Western Territory to combine for the aforesaid purpose, should they determine to do so ; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. It shall be lawful for the Government of the North-west Territories of Canada to combine with the province of Manitoba to construct a railway connecting both Winnipeg and Edmonton with a port on the western shore of Hudson Bay either at the mouth of the Nelson River or the Churchill River, and such railway shall be known as the Hudson Bay Railway of Canada.

2. The said railway shall be a public work under the joint control of the province of Manitoba and the North-west Territories ; and shall be made with a gauge of four feet eight and one-half inches and on such grades, in such places, in such manner, with such materials and on such specifications as the Lieutenant-Governors in Council shall jointly determine and appoint as best adapted to the general interests of the Dominion of Canada.

3. The construction of the railway and its management until completed shall be under the charge of four commissioners, to be appointed in such manner as may hereafter be determined upon by the respective governments interested, who shall hold office during pleasure. And said commissioners shall have the powers conferred upon railway corporations by and shall be subject to all the provisions of *The Railway Act*.

4. There shall be a treasurer appointed by the aforesaid government who shall be accountable to the joint governments for the expenditure of all moneys expended in the prosecution of the work, and for that purpose the accounts of the commissioners shall be kept in duplicate.

5. The commissioners shall and may appoint a chief engineer subject to the approval of the aforesaid governments, to hold office during pleasure, who under the instructions he may receive from the commissioners, shall have the general superintendence of the works to be constructed under this Act.

6. The commissioners shall build such railway by tender and contract after the plans and specifications therefor shall have been duly advertised, and they shall accept the tenders of such contractors as shall appear to them to be possessed of sufficient skill, experience and resources, to carry on the work or such portions thereof as they may contract for ; provided always that the commissioners shall not be obliged to accept the lowest tender, in case they should deem it for the public interest not to do so ; provided also that no contract under this section involving an expense of ten thousand dollars or upwards shall be concluded by the commissioners until sanctioned by the Lieutenant-Governors in Council of the aforesaid Governments.

7. The contracts to be so entered into, shall be guarded by such securities, and contain such provisions for retaining a proportion of the contract moneys, to be held as a reserve fund, for such periods of time, and on such conditions, as may appear to be necessary for the protection of the public, and for securing the due performance of the contract.

8. No money shall be paid to any contractor until the chief engineer shall have certified that the work, for or on account of which the same shall be claimed, has been duly executed, nor until such certificate shall have been approved of by the commissioners.

9. No member of the Provincial Legislature of the province of Manitoba or of the Legislative Assembly of the North-west Territories shall hold, or be appointed to any office of emolument under the commissioners, or be a contractor or party to any contract with the commissioners for the construction of the railway or any part thereof.

10. The Lieutenant-Governors in Council of the aforesaid province and territories or any person or persons jointly appointed by them, shall have power to inspect all contracts and proceedings of the commissioners and to examine their accounts at all times.

11. The Lieutenant-Governors in Council of the aforesaid Governments shall, in the first instance, fix the rate of salary or compensation for the commissioners and the chief engineer, and shall approve of all other salaries to be awarded by the commissioners, subject in all cases to the revision and confirmation of their respective legislatures at their first session thereafter.

12. The Lieutenant-Governors in Council shall jointly have the power, at any time, to suspend the progress of the work until the then next session of their respective legislatures.

13. The commissioners shall from time to time be paid, on their requisition, by the treasurer, all moneys that may be required for the purposes of this Act, in such manner at such times and in such sums as may, from time to time, be ordered by the Lieutenant-Governors in Council.

14. The commissioners shall furnish quarterly accounts (or oftener if required by the Lieutenant-Governors in Council) to the treasurer of all expenditures and liabilities under this Act.

15. Whenever any portion of the railway shall be completed, it shall be lawful for the commissioners to make suitable arrangements for the working of the same, except that when the railway is completed such arrangements shall not be for any longer period than the end of the session of the legislatures of the aforesaid province and territories next after the making of the same. Provided always that it shall be in the power of Lieutenant-Governors in Council jointly to cancel the same when they may desire to change the management.

16. It shall be lawful for the Government of the North-west Territories to combine with the Government of the province of Manitoba to raise a loan for the construction and completion of the said railway.

17. For the purpose of effecting the said loan it shall be lawful for the Lieutenant-Governors in Council aforesaid to authorize the issue of debentures either in currency or sterling money in such form, bearing such rate of interest not exceeding three per cent per annum, in such sums, and payable at such periods not exceeding fifty years as may be most convenient, said debentures to be signed by the representatives of the respective governments.

18. A sinking fund shall be provided for the payment by the united governments aforesaid of an annual sum at the rate of one per centum per annum on the entire amount of the principal money in annual payments in such manner as they may from time to time direct, and shall be invested and accumulated under their direction in the name of four trustees, nominated from time to time by the Lieutenant Governors in Council aforesaid, and such sinking fund and its accumulations shall be invested in securities in the Dominion of Canada or in securities of the province of Manitoba or the North-west Territories or at the option of the Lieutenant-Governors in Council aforesaid, in such other securities as may be proposed, and shall be applied under the direction of the Lieutenant-Governors in Council in discharge of the principal money whereon interest is guaranteed.

19. The commissioners are to be empowered to levy upon all the ratable property in the province of Manitoba and the North-west Territories, to provide for the payment of that portion of the interest and sinking fund on the bonds not provided by the earnings in such manner as shall be provided for by Acts of the province of Manitoba and the North-west Territories. Provided that no levy shall be made as aforesaid for interest or sinking fund until the completion of the railway to the Hudson Bay. The interest on the aforesaid loan to be added to the cost of construction and provided for out of the proceeds of the loan until the railway is completed to the bay.

20. The commissioners shall manage all land grants or other public aid as a trust to be held for the collateral security of the bonds they are empowered to issue and the proceeds of the sales of the lands or other assets shall be applied towards

the payment of the interest and principal of the said bonds.

21. The material for construction shall be admitted through the custom-house free of duty.

The Hudson Bay itself I need not speak about at all, because it has been spoken of in this House in a very intelligent manner by many men who have set forth its advantages. There is one thing I would like to draw public attention to and that is the fact that Mr. Tyrrell, of the Geological Department, made a trip last year and came out at Chesterfield Inlet which is the northern part of Hudson Bay, and in two Peterboro' canoes he paddled all the way with his party of eight men from Chesterfield Inlet and all the way down the western shore of the bay until he reached within thirty miles of Fort Churchill where he was stopped by the ice forming on the shore on the 16th October. Now if our geological officers can paddle down in two Peterboro' canoes well loaded down in the month of October, 400 miles from Chesterfield Inlet, after traversing Chesterfield inlet for 200 miles—that is 600 miles—and reach Fort Churchill on the 16th October, it is sufficient evidence to anybody's mind that there must be some value in the bay as a navigable water for powerful vessels.

Hon. Mr. READ (Quinté)—The only trouble is that it is shut up in August.

Hon. Mr. BOULTON—No, this was in October.

Hon. Mr. READ (Quinté)—But it is shut up in August.

Hon. Mr. BOULTON—No, it is not; you have never been there.

Hon. Mr. READ (Quinté)—Well, we have reports.

Hon. Mr. BOULTON—You should believe nothing that you hear, sir, and only half of what you see. And again we read of another of our geological party who visited the Hudson Straits on his geological tour, and he wanted to change his quarters from Ungava Bay to Hamilton Inlet, and he got a steamer which took him round; he had to change his quarters in consequence of the scarcity of food at Ungava Bay, and he took a steamer and went round to Hamilton Inlet. Now, if there is a steamer plying on those straits at that time of the year it must be an evidence that there is navigation not only in the bay, as I have shown you by canoes paddled down, but there are steamers there available for some reason or other, possibly fishing or something of that kind, and if in the fall they can transport their men from one portion of the straits to another portion of the straits some 200 miles by steamer; I do not think it is advisable to allow our minds to be warped by the fact that there are any practical difficulties in the navigation of the bay. I do not take such a hopeful view as many do that it is available for six months, but I certainly believe that it is available for four months, and four months' navigation to that great territory and its wonderfully productive power, if only proper facilities are offered it, is of immense advantage. The bill asks for power to construct the Hudson Bay Railway to connect Winnipeg with a port on the bay, and also to connect Edmonton; Winnipeg is in the south and Edmonton in the west, so that the two lines can meet at a common point where the main line comes north to Hudson's Bay, and the further west we go the more valuable the outlet to Hudson Bay is. Winnipeg is nearer to Port Arthur and therefore it is not of so much importance, but as you go 500 miles or 800 miles or 1,000 miles inland then the value of the Hudson Bay as an outlet becomes more manifest to the people who reside there and to anybody who knows anything about the geography of that country, the connection with Edmonton to the bay would be of immense advantage to the splendid tract of country all along the Saskatchewan River to the north and to the south, and would develop the resources of the country immensely. Canada is interested in increasing the population of that country because every man who settles there becomes a contributor to the revenue of the country. The revenue of Canada is about $7 or $8 a day upon every man, woman and child in the country, and if we add 100,000 people, men and women and children in the North-west Territories in consequence of its development by means of such a railway as I am speaking of they immediately contribute to the revenue $700,000 a year to say nothing about the wealth they distribute in the labour of producing the wheat or other produce for their livelihood, all of which is distributed widely all over the country in

providing for their necessities, so that people in the east country are just as much interested in the development of that country as the people who reside there have been, and in fact they have had larger pecuniary interests in that country up to the present time than we ourselves have had, because the biggest share of the profits of that country have come here and very little of them have remained west. So that the advantages of such a railroad as I am advocating from a Dominion standpoint are very great indeed. There is a necessity for the railroad, Everybody who is at all acquainted with our western country must know and does know that we are suffering from severe depression, that the people are discouraged because they have not made that progress which they felt that they were justified in making, which they felt the resources of the country would enable them to make. The heavy freight rates they have to contend with in addition to the protective taxation they are subjected to in all that they purchase has reduced their profits to such an extent that they do not see how to make both ends meet, and anything we can do to improve that condition of affairs is of advantage to the whole country. Many hon. gentlemen I dare say, will have seen that the hon. Minister of the Interior read out the other day in the House of Commons, that in 1892 there were 1,276 entries for homesteads in that western country, and that there were 483 cancellations. Now, why are these cancellations? Because the people have come there and they have found that the facilities that were offered them for prosperous farming did not exist in consequence of the disabilities that I have told you existed and they have gone to other occupations. In 1893, 1,022 entries for homesteads were made (so the Hon. Minister of the Interior told us in Parliament) and 695 cancellations the same year; a great many more than half the entries that were made in 1893 were cancelled by people abandoning their holdings and moving somewhere else. Now, that is not a condition which is at all favourable for the whole country, and anything that will improve and change the condition is going to be a benefit to the whole of Canada as well as to that territory on whose behalf I am now addressing this honourable House. The Manitoba exemptions are also another evidence; the Government of the province of Manitoba have had to put on exemptions in favour of the farmers who resided there, and even prohibited them mortgaging their 160 acres of land. Under the present law no farmer can mortgage his 160 acres of land. He has no power to give a chattel mortgage or to mortgage it to a loan company or any one else. It is held there as a sacred right for him to occupy, and nobody can disturb him. It was found that the liabilities and loans were increasing so rapidly that it was necessary to put an exemption law in force in order that the farmers might be protected in their holdings, and that these cancellations and abandonments would not continue to such an extent as was represented to us by the Honourable Minister of the Interior, in the House of Commons, and the reason for that, as I have already mentioned, is the protective duties and the freight rates. Providence has been bountiful in its gifts to the country. The country is productive; it produces a magnificent sample of wheat and magnificent cattle, and horses and sheep; it will produce an immense number of things that we have not been able to produce yet for want of the experience and the labour. The country is bountifully supplied with all the gifts necessary for a rich agricultural country; but if the conditions existing in the past continue, such a condition that some of my neighbours sold a first class sample of wheat for 35 cents a bushel last summer, and in providing for their necessities they had to turn round and with the product of that 35 cents a bushel had to pay 45 cents a gallon for coal oil to light them through the winter. That condition of things is bound to bring distress upon them. Now, hon. gentlemen, some people tell us that we want the earth, that our forefathers here in Ontario chopped down the forest and that they had none of the facilities I am asking for; but our forefathers had Lake Ontario, canals and other advantages. We are in an inland country and are powerless to export without these facilities. The late Hon. Mr. White on a memorable occasion, told us we wanted to be spoon-fed and the remark has been lately repeated to me, since bringing in this bill, that Mr. White was not very far astray. Now, hon. gentlemen, I would like to correct that impression to show that because we come down here and let the people know exactly the difficulties we labour under ,that it does not necessarily follow that we are seeking to be

spoon-fed, and when anybody speaks about being spoon-fed I would like to show that it is not we in the North-west who are in that infant condition; but that we are in a different political condition there from the other provinces. Every province in the Dominion of Canada owns its own land, owns its minerals, its timber and all the resources within its boundaries. We own none of them. Our lands are the property of the Dominion Government. The Dominion Government have assumed the responsibility of managing our lands, and they should rise to that responsibility and husband them for the benefit of the people there. The Dominion Government have constructed the Canadian Pacific Railway and I am frequently met with the observation "We built a railway for you, we have spent our millions in building a railway for you." Now, I take exception to the statement and say that is not the case. It is the reverse of that. In the province of Ontario, a thousand miles of railway were built from Callendar Station to Keewatin through the province of Ontario, to which the province of Ontario never contributed one single solitary acre of land; and the province of Manitoba and the North-west have contributed 30 millions acres of land towards the construction of that portion of the railway from Callendar Station to the Rocky Mountains. The province of British Columbia contributed a block of land on each side of the railway west of that; but we contributed throughout 30,000,000 acres of land where construction is cheaply carried on. A thousand miles of very expensive railway was built in Ontario, towards which the province of Ontario did not contribute an acre. Now, hon. gentlemen, who is spoon-fed in that respect? Is it the province of Manitoba or the province of Ontario? Then, again, we have the Intercolonial Railway. It was built for the convenience and benefit of Eastern Canada and a large amount of money has been expended in the construction of that railroad, I, as an individual, the hon. member from Wolseley as an individual, and every man in the North-west Territories to-day as individuals, are personally liable with the rest of the people of Canada in providing for the cost of that railroad in proportion to their individual contribution to the revenue of the country. Not only has the interest to be provided for annually to meet it, but further than that, the railway was run at a considerable loss, a loss of $500,000 or $600,000 a year until the present Minister of Railways took hold of it. Now, hon. gentlemen, who is spoon-fed in that particular—the Eastern or Maritime provinces or the province of Manitoba? I say it is exactly the reverse, and that the spoon-feeding, if such a term could be applied to any province or district, would be more properly applicable to the Eastern provinces or to the province of Ontario, which provinces have received these advantages and benefits for which the lands of the North-west Territories and the province of Manitoba have been appropriated in order to assist in the promotion of the construction of the great Pacific Railway. Then, again, hon. gentlemen, the other day, when I was at my father's home in Cobourg he had occasion to buy 10,000 shingles to reshingle one of his buildings and he purchased shingles that came from Vancouver, the cedar shingle which is manufactured so well there, he bought them at retail prices for $3.15 a thousand. We have to pay where I reside $4.50 a thousand for the same shingles, with 1,600 miles less haul.

Hon. Mr. ANGERS—I would ask the hon. gentleman to what part of his bill that statement refers?

Hon. Mr. BOULTON—To the necessity of passing the whole bill.

Hon Mr. REESOR—The reason of the difficulty in regard to the shingles is that you have no competition where you live and we have competition here.

Hon Mr. BOULTON—The reason is that we have not competition. The freight on carloads of shingles from Vancouver to Cobourg was $180, and the freight from Vancouver to Russell was $250, and it is a shorter haul by 1,600 miles.

Hon. Mr. McKAY—Do you expect the shingles from Hudson Bay after the railway is built?

Hon. Mr. BOULTON—No, but we might get the tin which the hon. member for Glengarry speaks of. What we want is competition to place us exactly in the same position as our friends in Cobourg.

Hon. Mr. PERLEY—That is showing who are spoon-fed.

Hon. Mr. BOULTON—Yes, I ask who were spoon-fed—we in Manitoba or those who purchased the shingles at $3.15 a thousand in Cobourg? I say if the term spoon-feeding is fit to be applied to any portion of Canada, it is these people who are so well spoon-fed, not only by the freight rates on the Canadian Pacific Railway but by the industries which exist here. Now we are paying to the city of Toronto a bonus of $20 for every binder we purchase in the North-west—$20 for every binder we purchase from the Massey Manufacturing Company; and I ask who is spoon-fed, the province of Manitoba or the city of Toronto. Then again, take nails manufactured in Montreal, twine in Halifax, bonuses to both cities on our purchases from them in these articles through the duties. Where is the spoon-feeding? Is it in Manitoba? No, these infant industries still require spoon-feeding and they draw on us for the milk of human kindness which is now nearly exhausted.

Hon. Mr. ANGERS—Massey says they have not been paid for their binders in the North-west.

Hon. Mr. BOULTON—That is exactly what I am putting before this House, that with freight rates and protection we cannot meet our liabilities, give us free trade and justice in freight rates and we will not continue to rest under that dishonour. I believe Massey Manufacturing Company has a million dollars of liabilities to collect there, and our farmers have to work to pay for a dead horse in wiping it out.

The Massey Company have been able to put up some very handsome structures and these bonuses do exist and the bonuses that the people of the North-west and Manitoba are paying at the present moment through monopoly are beyond any body's comprehension. I made a motion in this honourable House for papers relating to the revenues derived by the Canadian Pacific Railway in their western division from Port Arthur to Calgary at the foot of the Rocky Mountains in order to show exactly how far the spoon-feeding existed there. I have always been under the impression that seven millions of the twenty millions of dollars revenue of the Canadian Pacific Railway was contributed by the western division—that two hundred and seventy thousand people in that part of the country contributed that proportion of the revenue of the Canadian Pacific Railway. Now, if that is the case where is the spoon-feeding? We are contributing with our produce and our labour, and with the means that we take out of the soil if those figures are correct a much larger proportion than we should. I must assume that those figures are correct until the Canadian Pacific Railway is able to come forward and show by their accounts that what I am stating is wrong. They have refused to produce that evidence saying that their accounts are not kept in such a way that they can produce that evidence before you. Well, until they are able to produce that evidence I will assume that the statement which I have made and which I think came from Sir Wm. Van Horne himself that seven millions of dollars is the proportion of the twenty million dollars revenue of the Canadian Pacific Railway contributed by the North-west country. Why is it that we contribute so large an amount? Because we pay two and in some instances three times as much mileage rates as people here. On sixteen articles of our annual imports from the east, such as canned goods, 55,000 cases, salt 500 cars, apples 350 cars, bar iron 150 cars, rails 100 cars, whisky 150 cars, beer 120 cars, tobacco 30 cars, binding twine 250 cars, grain bags 150 cars, window glass 100 cars, fence wire 150 cars, hardware 150 cars, groceries 150 cars, sugar 625 cars, with 24,000 tons of coal. It has been computed by the "Nor-Wester." The freight on those sixteen items of consumption alone is $714,900, and hon. gentlemen can see how easy it is to reach seven million dollars a year, when grain, flour, lumber, passengers, mails and the multitudinous items are added that make up the revenue of the Canada Pacific Railway Grain alone must be a million and a half. The lumber carried from Keewatin to Winnipeg 135 miles pays 15c. per hundred while lumber of the same character carried from Ottawa to Montreal pays five cents per hundred. Who are the spoon-fed people? Those who pay five cents a hundred for carrying lumber from Ottawa to Montreal, or those who pay fifteen cents a hundred for carrying lumber from Keewatin to Winnipeg. The time has come when hon. gentleman should look at his question of spoon-feeding as not being applicable to the North-west. It is exactly the reverse, and the condition of things is such to-day with us that if we do

not utilize our intelligence in the promotion of some such work as this we are likely to go to the wall, and I do not propose, hon. gentlemen, to stand and look idly on while there are remedies at hand, the condition that we have been brought to in consequence of the imposition of these heavy bonuses and the spoon-feeding that we have been obliged to fill some of the eastern paunches with, until their digestion is being ruined by it, as is evident more and more in existing commercial conditions, deserves the serious attention of this House.

Hon. Mr. REESOR—The power of receiving expands with time.

Hon. Mr. BOULTON—The hon. gentleman states the fact correctly, but indigestion ensues. I will not inflict the details of this bill on you because it is there for everybody to read, but I think I have given you sufficient reasons to ask this honourable House to let the bill go to its second reading that I may take advantage of the legislative experience of hon. members in this House in helping me to perfect the measure in order that we may offer the government in the North-west Territories and the government of the province of Manitoba machinery whereby they can undertake the construction of this railway themselves. We are not asking in this bill assistance of any kind or description. It is of course to be presumed that the aid which was offered to private enterprises will be available for a public work of this kind—that is for the governments of Manitoba and the North-west Territories to consider for themselves. This is offered as machinery by means of which they can undertake and prosecute the construction of this work. Money and material never were so cheap for the promotion of undertakings that serve as great arteries for all time for the healthy flow of the commerce of the country, and while it may not be available for a private corporation even though backed by heavy subsidies, as a useful public work undertaken by the public, it will commend itself both to capital abroad and to the people of the country at home.

Hon. Mr. KAULBACH—I have been some thirty years or more in public life and during all that time have never heard of such a bill as this being introduced. It is evident that my hon. friend has brought it up for the purpose of making a speech and putting the country to expense over what he calls a public bill, but which is in effect a private bill.

Hon. Mr. BOULTON—Where is the expense?

Hon. Mr. KAULBACH—In printing it and in the Debates on useless subjects.

Hon. Mr. BOULTON—I can assure the hon. member from Lunenburg that since I have been in this House he has taxed the country by a lot of useless speeches. Whether he understood the subject or not made little difference to him so long as he filled the "Hansard," and if he has been talking at the same rate for the past thirty years that he refers to, if he puts it on the score of expense, he is by this time responsible for half the national debt.

Hon. Mr. KAULBACH—I never got up to speak just for the sake of hearing myself talk. I have never made speeches for the purpose of letting them go widespread through the country at the public expense. When I speak it is because I consider it my duty to do so in the public interest, and not merely for effect, as my hon. friend has always done. It is known that he simply gets up to hear himself talk and to promulgate his speeches all over the country. But he has failed to succeed and he is failing in this instance. No man has done more than himself to belittle his country and prevented immigration by talking as he has been doing of high taxation and oppression in the North-west. He has deterred people from settling there by tales of people abandoning the country. Now some people have gone into that country—there are some in my presence—who are utterly unfit to settle there. The Icelanders gone into the North-west have succeeded, but to send soldiers at the public expense and men of that character to settle there is a mistake. They are unfit to endure the hardships incidental to pioneer life. They go there and instead of benefiting the country they find that it is a hopeless and unprofitable task that they have undertaken and they hound down the country and prevent others going there. The hon. member is an evidence of the fact that you find disappointed men always, no matter what pursuit in life they may engage in, and they do not

attribute their failure to their own lack of industry or intelligence but to other circumstances. I am as much in favour of that Hudson Bay Railway as the hon. gentleman, and whenever the question has come up I have advocated it strongly. It is in the public interest that the route should be opened up and it is of Imperial importance as well, but my hon. friend has done more to-day to retard the project than anything that has yet been said. My hon. friend from Welland brought up the matter this session and his speech was one that commended itself to every one who heard or read it, but my hon. friend is destroying or attempting to destroy by his conduct to-day any good effect that that speech might have. I believe that this bill ought not to go any further but should be crushed at once. My hon. friend never intended that it should go further. He himself anticipated that it would not serve any other purpose than to enable him to make a speech which would appear in the Debates and go to the country. I never heard of such a thing in my life, as this House attempting to legislate for two local governments, dictating to them what they should do. It is manifestly absurd and unreasonable, and the only object the hon. gentleman could have had in view was to get an opportunity to make a speech, and to send his emanations at the public expense over the country. When he says I have talked so much in this House I think I have spoken more in the public interest and more to the purpose than my hon. friend has done to-day. The hon. gentleman has presumed to dictate to two local governments unnecessarily. Those provinces possess representatives who are quite able to look after their interests, and it is unseemly and ridiculously absurd to introduce such a bill here, and dictate to them what they should do. I can hardly find parliamentary language appropriate to express my sense of the unfitness of the measure. I therefore move that the bill be not now read the second time, but that it be read this day six months.

Hon. Mr. PERLEY—I hardly agree with the remark which has fallen from the hon. member from Lunenburg with reference to my hon. friend from Shell River. That hon. gentleman represents a very important section of the country and he has from the very start of his membership in the Senate been endeavouring to bring before us certain difficulties under which the people in that part of the Dominion labour. His object is not so much to get notoriety as to promote the interests of the people that he represents. We have very few representatives from that country in this Parliament, and his object, I think, is to lay before the public facts which are of importance to our people, and therefore the reference which the hon. member from Lunenburg has made to him is hardly fair. It is well known all over this country that the Parliament of Canada gave very large subsidies in land and money toward the building of the Canadian Pacific Railway. That land was taken from the public territory in Manitoba and the North-west to such an extent that we have no lands of our own to be devoted to public purposes. The road has been built, and while I have always been a strong advocate of that road and have said and done what I could to advance the interests of the Canadian Pacific Railway, and given the company credit for their enterprise, I do not hesitate to say that the rates which they have been charging are in excess of what is right and fair and prevent the advancement of that great country. This matter is brought up here because the Dominion Parliament has helped to construct the road, and the people of that country who have no power themselves to deal with the subject, think that the Dominion Parliament should exercise its influence to procure more favourable freight rates in that country. In proportion as the rates are reduced will our success in that country be assured.

My hon. friend has told you the price that his father could buy shingles for in his particular district, paying freight on 1,600 miles more of a haul on them than he had to at Shell River in Manitoba, and yet could get them 70c. or 80c. less than he had to pay. That is one-third the price of 1,000 shingles in New Brunswick where I used to live. In the North-west we have to pay whatever freight rates the company charge. For my part, I am thankful that they are no more, because they could charge more if they liked. I am a supporter of the Government and always have been, but I say some action should be taken by the power which created the company to regulate their rates so that they will not be excessive. That country can never be what it should be so long as those excessive freight rates are charged on our products and the supplies going into that

country. My hon. friend took exception to-day to the word "spoon-fed." I hear every now and again, when you ask anything for that country, that we are a spoon-fed lot. That is not pleasant to hear, when you know it is not the case. The Hon. Thomas White made the remark, I suppose, because people were making demands upon him to get certain grievances redressed, but what was the remark made by the First Minister here the other day when my hon. friend asked for the rates on the Intercolonial Railway? He said that whilst he did not know what the system of book-keeping was on the Canadian Pacific Railway, he could give him the information on the Intercolonial Railway but he must remind him of this fact, that the one was a Government road run at the public expense in the interests of the people, while the other was run by a private company. I do not think that that was a proper answer. We of the North-west are a part of the people of Canada and are helping to pay the expense of running the Intercolonial Railway at a loss in the eastern provinces while we have to pay excessive rates for the transportation of our own products and no one comes to our assistance. I am not in favour of my hon. friend's bill, because I think that one railroad in the country is enough. I am not voicing the feelings of a great many of the people in the country when I say so, but I look at it fairly. I do not wish to see another railway built because one is enough if the rate was right. The people of that country do, because they feel that they do not get fair treatment from the Canadian Pacific Railway. Why do they feel that way? Because where there is competition the rates are much lower, less than half what they are where there is no competition. I was down in New Brunswick the other day and inquired the freight rates there, and there is a vast difference between the rates on a government road which I am helping to support myself, and the rates which we have to pay in the North-west Territories. Now, that is unfair to the people of the North-west. I do not wish to be unfair, but the people do feel that when the company has been subsidized to a large extent the rates should he such as to permit them to export their produce without paying excessive freights. There is common sense in that, and I think it is in the interest of the Government to make a thorough inquiry into those freight rates and if the Canadian Pacific Railway has not subsidy enough to enable them to build and run the road, give them more subsidy. I do not want them to run it at a loss, but it is hardly fair to make a man in one part of Canada pay 10 cents while in another part of Canada he has only to pay 2 or 3 cents for the same service. While my hon. friend has moved at different times on these matters, I think it has been more for the benefit of the country than to aggrandise himself. That is why I have made these remarks to-day on the second reading of this bill.

Hon. Mr. BOULTON—I wish to reply to one remark made by the hon. member from Lunenburg. He said that it was a ridiculous thing on the part of an individual coming here to take the place of Government and ask for such legislation. Now I can tell the hon. gentleman that they think a good deal more of a Senator in the North-west than they do, perhaps, in Lunenburg, and, when he made that remark, he is grading me by his self appreciation of his own standing. I can assure him that the people of the North-west appreciate the efforts that I put forth in bringing the difficulties they have to contend with before the country and in trying to have them remedied. So far as the question of expense is concerned, what has the hon. gentleman been doing for some days past? He has been taking up the time of the House for two or three days over a wretched divorce bill. That is about the substance of his oratory in this House, that is about all he gives the House the benefit of his information upon, a subject upon which he appears to concentrate his talents. He has occupied the time of the House two or three days and kept up a semi-religious fight in order to gain a little petty reputation for himself. I should like to know which is the more honourable position to occupy on the floor of this House—to come here and discuss a wretched divorce bill for two or three days, or to discuss a question of great public importance for half an hour on the floor of this House, such as the question now before it. The hon. gentleman need not think because the members of this House sit with patient dignity as they watch the hour glass run its daily course in the inevitable performance of its duty, when the hon. gentleman gets up to speak, that the members of this House appreciate his debating power. It is merely an appearance of resignation to their fate

which an experience of thirty years has taught them is unavoidable where the hon. member for Lunenburg is concerned.

Hon. Mr. BOWELL—I should not have contributed anything to this debate had it not been for the remarks made by the hon. member from Wolseley which are directly contrary, as he knows, to the rule of Parliament which provides that reference shall not be made to a former debate; but as he took it upon himself to put an interpretation on a statement of mine which I do not think was warranted, I must be excused if I make an explanation. What I said on the occasion to which he refers was that while the Intercolonial Railway books were kept in such a manner as to be able to comply with that portion of the motion asking for the freight rates, I was not aware that the Canadian Pacific Railway kept its books in any way by which they could show the amount of earnings for any particular portion of their road. Those are the remarks that I made, and not that there was a distinction between the keeping of books on the two roads so far as it affected the whole line. The supposition which I then ventured as to the keeping of the books has been verified by the returns laid upon the table of this House in which the Canadian Pacific Railway has given all the information that they have in reference to that matter, but they say precisely what I indicated might be the case, that they did not keep the earnings of the road in separate sections or particular portions of it, but as a whole, and consequently were not enabled to comply with the request made by the hon. gentleman in his motion. Now, that is what I stated at the time, and certainly no such inference could be drawn from my remarks as the hon. gentleman takes. While I commend my hon. friend from Shell River, for whom I have very great respect, for his assiduity and his ability in the delivery of speeches such as we have heard to-day, I think that the position that he has taken in this matter—I do not wish to say it offensively—is absurd. He knows as well as any member of this House, that this Parliament has no power to dictate to the province of Manitoba and the Territorial Government as to the manner in which they should tax themselves. The constitution gives the right to Manitoba to levy just as much taxes as they please for the carrying on of public enterprises in that country, in addition to the sums they receive by way of subsidy, but the North-west Territories have only a limited power and their expenditure is almost entirely confined to the sum which is paid to them by the Dominion Government. When they are erected into independent provinces and have a constitution under which they are governed, then they might have the power, but I scarcely think that these two portions of the Dominion would thank this Parliament if they were to kindly and considerately allow them to enter into arrangements by which they could tax themselves head over heels, because it would be necessary to do so in order to accomplish the great work indicated in the bill now before the House.

Hon. Mr. BOULTON—They would avoid the heavy taxation that now exists.

Hon. Mr. BOWELL—As soon as the representatives of those two sections of the Dominion come to the conclusion that it is advisable, in the interest of the people who live there, to tax themselves to construct a railway running from some point east of the Rocky Mountains to the Hudson Bay, then we will wish them success, but that is a matter for them to consider and decide for themselves. I might take other objections to this bill. It is more of the character of a private bill, and if I were to appeal to the Speaker to rule on the matter, I think he would declare it out of order. It cannot be considered in any way a public bill. It contains provisions which to say the least, I do not think should be accepted by this House or by the country. The North-west people, I am inclined to think, know about as well what their interests are, in the matter of taxation at least, as any other portion of the country and when they ask for legislation of this kind it will be quite time enough for the Senate and House of Commons to pass a bill of the character of the one now before us. I do not pretend to give an opinion on that matter further than this as to the railway rates. I do not think there can be by any possibility an analogy drawn between the Intercolonial Railway and the Canadian Pacific Railway. It is quite true that large bonuses have been given in aid of the Canadian Pacific Railway. I am not going to discuss this question.

I think I could make a tolerably fair defence, if it were necessary at this day, of the action of the Government in aiding in the construction of that road, and expose the fallacy of the statements made by my hon. friend from Marquette as to what has been suffered by the people of Manitoba and the North-west Territories. One would suppose, to hear these gentlemen talk, that they were born generations past in that great country, that they out of their own pockets built up this whole Dominion, that it was from them alone that the revenues were derived out of which the bonuses were given for the construction of the road. It reminds me very much of an anecdote I heard a number of years ago in reference to the North-west Territories or Manitoba, I do not know which it was—my hon. friend from Wolseley will remember the anecdote. A man had been there for about three months, living under a tent, and he saw one of the "prairie schooners"coming along with another settler looking for land. He looked at the new comer with a great deal of disgust and at last exclaimed: "Here they come. We are to be overrun by those infernal eastern fellows going to take our land." Now that is just about the spirit that actuates my hon. friend here. He is a Cobourg boy, and I am old enough to remember him when he went to school. I think he has forgotten the fact that there is a place called Ontario, which has contributed a large portion of the funds that have been expended in opening up this country, in addition to what has been paid by other provinces. I would not like to attribute motives, because that would be unparliamentary, but there are certain rumours in the air that this bill is presented to this House mainly for the purpose of blocking another enterprise which has been in existence for a long time. The hon. gentleman says that that project has been abandoned. If it has been abandoned it is not for the reasons which he has advanced, but simply because the enterprising men who have been actively engaged in trying to construct that road have not been able to raise the money. If they had got the money, there would have been no delay in the construction of the road. I rose to make this explanation in reference to what I thought a misconception on the part of my hon. friend from Wolsely. I was in hopes, when the hon. gentleman at the close of his speech indicated his intention of having the bill placed not only on the Statute-books but also in the Debates so that there would be an official record of it, that he would have withdrawn it and saved my hon. friend from Lunenburg the disagreeable task of moving its rejection. I trust the House will carry the amendment by a large majority.

Hon. Mr. PERLEY—I wish to say in explanation that I did not misunderstand the First Minister,and I think he has hardly been fair to me. I did not take exception to the point he made with reference to the returns of the Intercolonial Railway or the Canadian Pacific Railway, but I did make the remark that there was no analogy between the two, that whilst one was run by the country for the country's benefit, the other was run by a private company on a commercial basis. I did not complain of the part where the hon. member endeavoured to correct me, at all. It is on the other point I make the complaint and I think my complaint stands good. I might say that I was not aware that there was any intention to block another enterprise. This is the first time I have heard hinted and I merely seconded the motion for the second reading of the bill in order to give my hon. friend a chance to lay before the country the true condition of things in the North-west, and I would not have spoken at all had it not been that I thought the remarks of the hon. memer from Lunenburg, as regards the hon. gentleman from Shell River, were entirely uncalled for.

Hon. Mr. BOWELL—I readily accept the hon. gentleman's explanation. I certainly misunderstood him.

Hon. Mr. POWER—I am afraid that this measure of the hon. gentleman from Shell River will hardly become law this session, and I am not at all sure that, if I thought it was going to become law, I should support it, although I favour the principle of the measure, which I take to be this, that the people of the North-west Territories and Manitoba shall be given facilities to unite their resources for the purpose of constructing a public work intended for their benefit or what they believe to be their benefit. That is a better principle than the one which has been advocated by the hon. member from Lunenburg on previous occasions, that the

people of the whole of this eastern country should be heavily taxed for the purpose of supplying facilities for the people of the North-west to carry out their products through Hudson Bay, and to deprive the public works, which this country has built almost altogether at its own expenses, of the profitable business of transporting those products. These heavy freight rates on goods going to and from the North-west are a grievance, and it is desirable, in the interests of the North-west, that these rates should be reduced. If the people of the North-west can get lower rates by the construction of the road contemplated by this bill of the hon. gentleman from Shell River, that is a desirable thing, and there is no reason on earth, that I know of, why the people of that country if they are prepared to pay for this accommodation should no have it. I shall always vote against measures which ask the Dominion to pay for such accommodation, but I see no reason at all why the people of the North-west and Manitoba should not have the power to provide those facilities if they are prepared to pay for them.

Hon. Mr. KAULBACH—They can get it if they want it.

Hon. Mr. POWER—Then two hon. gentlemen referred to the idea which lay at the basis of this measure as being absurd. I do not think it is absurd. Probably the bill, if it went to committee, would need to be considerably amended before it would be a practical measure, but I do not think the principle of the bill is absurd at all, because, to my mind, at the present time the province of Manitoba and the North-west cannot combine; their legislatures have not the power to combine and they have to get that authority from this Parliament.

Hon. Mr. BOULTON—And the province of Manitoba by itself has no power to go to the bay without legislation from this Parliament.

Hon. Mr. KAULBACH—Let them ask Parliament for it?

Hon. Mr. POWER—The hon. gentleman from Shell River has simply taken time by the forelock; he simply proposes to afford those facilities to the North-west legislatures, even though they have not asked for the legislation, and even though the honourable member has on all questions connected with the North-west Territories been rather in advance of the people there, it is not at all impossible that we shall find before long that in this idea he is simply anticipating, perhaps by some years, the future wishes of the people of that country.

Hon. Mr. BOULTON—I accede to the wishes of the honourable leader of the House and ask leave to withdraw the motion. (Cries of no, no.)

The amendment was agreed to on a division.

## OTTAWA ELECTRIC RAILWAY BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of (Bill 65) "An Act to confirm an agreement between the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company, and an agreement between the said companies and the Corporation of the City of Ottawa to unite the said Companies under the name of The Ottawa Electric Railway Company." He said: This is to confirm an agreement of amalgamation between the old horse railway and the electric railway of this city. Every arrangement has been made with the city council authorities, and it is satisfactory to the citizens generally. There may be some amendments required in committee; power is granted to authorize the transport of Her Majesty's mail.

The motion was agreed to and the bill was read the second time.

## DOMINION GAS AND ELECTRIC CO.'S BILL.

SECOND READING.

Hon. Mr. BERNIER moved the second reading of Bill (77) "An Act to incorporate the Dominion Gas and Electric Company." He said: This bill is merely to provide for the incorporation of a certain number of gentlemen to manufacture gas and electricity.

The motion was agreed to and the bill was read the second time.

## OTTAWA ELECTRIC COMPANY INCORPORATION BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (74) "An Act to incorporate the Ottawa Electric Company." He said: This is a bill to incorporate certain gentlemen under the name of the Ottawa Electric Company and also to give them power to amalgamate with other companies now in existence. The arrangement has been made with the city council and received their full concurrence and it is with the avowed object of reducing expense that this bill is introduced, and there can be no objection to its passage. The citizens are very well satisfied with the arrangement made.

The motion was agreed to and the bill was read a second time.

## NORTHERN LIFE ASSOCIATION BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (51) "An Act to incorporate the Northern Life Assurance Company of Canada." He said: This is a bill which proposes to incorporate certain gentlemen in the western part of Ontario as a life insurance company under the name given in the bill.

The motion was agreed to and the bill was read the second time.

## THE CANADIAN RAILWAY ACCIDENT INSURANCE CO.

SECOND READING.

Hon. Mr. CLEMOW moved the second of Bill (36) "An Act to incorporate the Canadian Railway Accident Insurance Company." He said: This is a bill to incorporate certain gentlemen under the name of the Canadian Railway Accident Company. It is composed generally of railway men and locomotive men, and they intend to apply the co-operative system so as to reduce as much as possible the cost of insurance. I believe it will be very beneficial to railways and employees generally.

The motion was agreed to and the bill was read the second time.



## CARIBOO RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. REID (Cariboo) moved the second reading of Bill (60) "An Act to incorporate the Cariboo Railway Company." He said: This is a bill to incorporate a company to build a narrow gauge road from a point near Kamloops to Cariboo. It is to be regretted that it is not a road of ordinary gauge, but times are hard and it cannot be done.

The motion was agreed to and the bill was read the second time.

## CANADIAN RAILWAY FIRE INSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (42) "An Act to incorporate the Canadian Railway Fire Insurance Company." He said: This is similar to the one previously introduced respecting accidents and by the same promoters, but relates to fire. The principles of the bill are the same and the objects are the same.

The motion was agreed to, and the bill was read the second time.

## CHAUDIÈRE ELECTRIC LIGHT AND POWER COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (75) "An Act respecting the Chaudière Electric and Power Company." He said: This bill is giving certain powers in respect to the business of the company or, if necessary, to enable them to amalgamate with other companies. The company has been in operation for some time and after amalgamation takes place it may be necessary to wind up their affairs.

The motion was agreed to and the bill was read the second time.

## DOMINION BURGLARY GUARANTEE COMPANY'S BILL.

SECOND READING.

Hon. Mr. McCALLUM (in the absence of Mr. McMillan) moved the second reading of Bill (27) "An Act respecting the Dominion Burglary Guarantee Company."

The motion was agreed to and the bill was read the second time.

## RICHELIEU AND ONTARIO NAVIGATION COMPANY'S BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (62) "An Act respecting the Richelieu and Ontario Navigation Company." He said: This is a bill by which the company ask for further powers to borrow money. The company is doing a great deal of good in the country both in carrying passengers and freight.

The motion was agreed to and the bill was read the second time.

The Senate adjourned at 6.05 p.m.

---

## THE SENATE.

*Ottawa, Monday, 11th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE DILLON DIVORCE CASE.

MOTION TO RECONSIDER POSTPONED.

The Notice of Motion being called—

That the Fourteenth Report of the Standing Committee on Divorce on Bill (T) intituled: "An Act for the relief of James St. George Dillon," be taken in consideration by the Senate on Wednesday next.

Hon. Mr. CLEMOW said: This notice was intended for Wednesday next, and I understand that some objection is made to bringing it up to-day.

Hon. Mr. MILLER—I was under the impression when the motion was read at the table that it was not regular, but on reading it over I cannot see any objection whatever to it. As I understood it, the intention was to reconsider the report on Wednesday next without first putting it on the Orders of the Day, but that is not the motion—the motion is to put it on the Orders of the Day for consideration on Wednesday next.

Hon. Mr. DICKEY—I am prepared to raise a question of order upon this motion when it comes up. It was suggested that this motion was to come up on Wednesday next, and when I read it on the Order paper as being fixed for to-day I was surprised to find that we were to be asked to consider to-day whether the motion should be placed on the Orders of the Day for Wednesday next.

Hon. Mr. ANGERS—Perhaps it would be better to let this notice drop and put another notice on the paper.

Hon. Mr. MILLER—Either way will be quite in order.

Hon. Mr. ANGERS—I believe the usual rule is, when you do not proceed with a notice, you drop it and substitute another for it.

Hon. Mr. MILLER—You can either do that or let it stand as was done by the hon. member from Queen's to-day with the notices which appear on the paper above this one. It is perfectly regular.

The motion was allowed to stand until Wednesday next.

## CUSTODY OF JUVENILE OFFENDERS IN NEW BRUNSWICK BILL.

FIRST READING.

Hon. Mr. BOWELL introduced Bill (GG) "An Act to amend the Act relating to the custody of Juvenile Offenders in the Province of New Brunswick." He said: This bill is very much in the line of the measure introduced by the hon. member from York dealing with juvenile offenders. Lady Tilley has taken a very great interest in the reformation of juvenile offenders, and has, by means of private subscriptions, succeeded in obtaining a sufficient sum of money to establish a reformatory in that province; and the Dominion Government, having at its disposal the old penitentiary buildings which were vacated at the time

of the completion of the Dorchester penitentiary, have placed them at the disposal of the province for this purpose. The New Brunswick Government have asked for the passage of this bill in order to enable them to deal with that class of offenders, and after establishment, the reformatory will be maintained at the expense of that province. I am quite sure that the House will concur in what has been done in this respect, and that the effect of the measure will be beneficial. Good results are anticipated from the passage of the bill that we have already adopted with reference to juvenile offenders in Ontario.

## SECOND READINGS.

Bill (66) "An Act to empower the Niagara Falls Suspension Bridge Company to issue debentures, and for other purposes." (Mr. McKindsey.)

Bill (49) "An Act to incorporate the Welland Power and Supply Canal Company (Limited)."—(Mr. McKindsey.)

## CONSUMERS' CORDAGE COMPANY'S BILL.

### SECOND READING.

Hon. Mr. OGILVIE moved the second reading of Bill (31) "An Act respecting the Consumers' Cordage Company."

Hon. Mr. POWER—This is a bill of so much consequence that I think it requires some explanation from the hon. gentleman who moves it, and he has not given any.

Hon. Mr. OGILVIE—The bill gives the explanation itself if any one reads it. The object is to change $1,000,000 of their shares into a certain amount of preference shares and a certain amount of common shares, and that $1,000,000 stock when surrendered shall be destroyed.

Hon. Mr. POWER—The title of this bill to a certain extent indicates its object, only we have to read it in a peculiar way. The ordinary reader would suppose that this Consumers' Cordage Company was a company which had been created in the interest of the consumers, but on the contrary the consumption is to be all on the part of the stockholders and the promoters of the bill, and the public at large are to be consumed by its operation. I really do not see how this House can consistently read this bill a second time. It was only on last Friday that the House, with only one dissenting voice, as far as I remember, or possibly two dissenting voices, passed a bill to amend the law relating to conspiracies and combinations formed in restraint of trade, and the things which were forbidden by that bill which this House passed almost unanimously were :

> (*c.*) To prevent, limit, or lessen the manufacture or production of any such article or commodity, or to enhance the price thereof ; or—
> (*d.*) To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

The company whose bill is now before the House was established for the very purpose of doing those things which the Senate on last Friday resolved should not be done. The operations of the company in the past show what they are likely to do in the future, and this bill is intended to facilitate their operations. If the House is to be logical it should not pass the bill. Previous to the incorporation of this Consumers' Cordage Company there were half a dozen establishments for the manufacture of cordage in operation in Canada. Those factories competed with one another, consequently the price of the article was kept down to a reasonable figure. Although there was a duty on cordage, still the competition between the different factories neutralized to a very great extent the effect of the duty, and the consumers had their cordage not quite as cheaply, but at a not very much higher figure than if there had been no duty, but as has happened in the case of almost every manufacturing industry, the competitive stage was soon passed and this Consumers' Cordage Company represents the last condition of things, where all those factories which were before independent have fallen into the hands of a combination who fix the prices at any figures that the tariff will allow them to name. Under the operation of this corporation, a rope factory, which existed in the city of St. John, N. B., and employed a considerable number of men, has been closed up, and the men who were employed

in it discharged, and Mr. Connor, the principal proprietor, is drawing a salary, I think, of about $12,000, for doing nothing. He is paid by the Consumers' Cordage Company that amount in consideration of his factory being out of competition with the company. Another cordage factory in the province of Quebec has also been closed and the workmen dismissed, and this bill is intended to enable this company to make a little more money than it is making now, and to facilitate their operations. In the first place, the present capital stock must represent a very large proportion of water, because there were no $3,000,000 put into it at all. Now, there is no reason why any particular number of the gentlemen who put their money into this thing should be selected for the purpose of being put in a better position than their fellows. The third clause reads :

3. Holders of preference shares shall be entitled to receive out of the divisible profits of the company, as a first charge, cumulative preferential dividends at the rate of seven per cent per annum ; and the holders of the said preference shares shall have the right to resort to the profits of any succeeding year to make up any deficiency in the dividends of any previous year.

So hon. gentlemen will see that the position of the preference shareholders will be a very enviable one ; they are safe to get 7 per cent for their money under almost any conceivable circumstances. No reason has been shown by the hon. gentleman who introduced the bill, or by anybody else, why these gentlemen should be singled out for such remarkably favourable treatment. Then, provision is made that the residue shall be divided amongst the holders of the ordinary shares of the company. There is no protection for the interests of the public —those are not thought of—and there does not seem to be any protection for the shareholders who are not fortunate enough to be allowed preference shares. This company has done well enough under its existing powers, and I think it is not the duty of this House to pass this bill—on the contrary, it is the duty of this House to reject it.

Hon. Mr. OGILVIE—The hon. gentleman from Halifax has been treating us to a speech about something that is not before us. This company is not seeking incorporation at the present time—it is simply asking for an amendment to its charter. The hon. gentleman says that the company is making a great deal of money. If so, it is not in Montreal. Two hard-working young men came to grief in this business and have made this arrangement. The hon. gentleman seems to be particularly anxious about the shareholders. I do not know that we need give ourselves much concern about the stockholders. He seems to be under the impression that certain gentlemen are to get these preference shares and that they are singled out for remarkably favourable treatment. Those who hold preference stock will get it in proportion to the shares that they hold, and as that is the course that is usually followed in such cases, I do not see what ground there is for his opposition. When the bill goes to the committee the details can be discussed there. So far as the price of cordage is concerned, those who are acquainted with the condition of the market knows that it is no higher here than it is in the United States.

Hon. Mr. SCOTT—There are combines there too.

Hon. Mr. OGILVIE—Binder twine is exceedingly cheap. They have stocks of binder twine on hand which they cannot sell at all. I trust there will be no opposition to the second reading of the bill.

Hon. Mr. BOULTON—As a consistent free trader, I could not let this bill go through without endorsing the remarks of the hon. gentleman from Halifax, although I do not wish to obstruct the second reading of the bill. We should never lose the opportunity however, of pointing out the evils of protection and one of the evils is that in consequence of the increased cost of manufacture in Canada, the market is limited to the 5,000,000 in the Dominion. In consequence of the increased cost, they cannot go beyond the confines of Canada to sell their productions, and therefore in self-defence they have to resort to combines to restrict the production. Only a few days ago the House passed a bill to prevent combines in restraint of trade. Now, every manufacturing industry in Canada, is subject to exactly the same evil. The very moment the power of production is equal to the consuming power of the 5,000,000 people, the production has to be limited and combines are effected to restrict the production, throwing men out of employment and increasing the cost to con-

sumers to provide the capital necessary to secure the closing of what the combine considers as surplus factories. Then the prices are raised for the purpose of making an enlarged profit out of the people of the country. No one who has studied the question can shut his eyes to that fact, not only in the case of this Consumers' Cordage Company but of every combine in Canada. What was the first combine that brought distress on the United States a year ago? Was it not the Consumers' Cordage Company, of which this is a branch? Their failure brought distress on the whole of the United States, simply because they were working inside a ring fence as we are. In order to maintain their credit they issued more stock to pay dividends out of the proceeds of the sale of it. This created alarm in financial circles and brought down the whole financial structure of the United States erected on the flimsy basis of protection, throwing hundreds of thousands out of employment and bringing distress and ruin everywhere. What has been the effect on the cordage combine itself? A property that was rated by its stock and bond issue at thirty-four million dollars, was sold the other day for five or seven millions, I forget which. I do not oppose this bill as it is simply an amendment of an existing charter, but it is well that we should think of the effect that those combines are having upon the industries of the country, and I congratulate the hon. member for Quinté on the stand he has taken in making the law against them more perfect.

Hon. Mr. KAULBACH—I consider that the combination of these cordage companies was essential to the preservation of the industry in Canada, because up to the time they did combine, that industry was in a perilous condition. I shall not enter into a discussion of the question of free trade and protection now. I merely wish to say that I hope the Cordage Company will produce a superior article, especially in the line of large hawsers used by vessels on the banks. The people in the county from which I come have to use those hawsers, and they are obliged to purchase cables manufactured in the United States, in consequence of the inferior quality of the article produced in Canada.

Hon. Mr. POWER—The hon. gentleman should not run down our own productions.

Hon. Mr. VIDAL—I do not agree with the hon. gentleman from Marquette that it is necessary or desirable that we should on every occasion bring up this great question of free trade and protection. If we were dealing with the general principle his remarks would have been in place, but the bill before us is simply to amend the the charter of a company already incorporated. We are not asked to give them additional power but simply to enable them to carry out a matter which is entirely domestic—a matter in which other people who are not connected with the company have no interest whatever. As to the rights of the shareholders that the hon. gentleman from Halifax desires to protect, does he not notice that the clause must have the concurrence of the shareholders before it can have any effect? When we find that the shareholders themselves desire this legislation, I cannot conceive why we should be asked to interfere with their arrangements. The final clause of the bill shows that the rights of the creditors are to be protected. If it were a bill to incorporate this company, then I could understand how these remarks, to which we have been listening, might be made against it.

The motion was agreed to and the bill was read the second time on a division.

## SECOND READINGS.

Bill (38) "An Act respecting the Ontario Loan and Debenture Company."—(Mr. McKindsey.)

Bill (6) "An Act to disfranchise voters who have taken bribes."—(Mr. Dickey.)

## INCORPORATION OF BOARDS OF TRADE BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (FF) "An Act to amend the Act respecting the incorporation of Boards of Trade."

Hon. Mr. OGILVIE, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## NORTH-WEST TERRITORIES REPRESENTATION BILL.

IN THE COMMITTEE.

Hon. Mr. ANGERS moved that the House resolve itself into a Committee of the Whole on Bill (5) "An Act further to amend the North-west Territories Representation Act."

Hon. Mr. BERNIER (In French)—I have no intention to oppose the passage of this bill. Nevertheless, as this is the first time that I have had the opportunity of expressing my views on the subject of the ballot, I wish to put on record the fact that I am opposed to the system of secret voting. It is degrading to public life. When the ballot was introduced in this country it was supposed that it would have the effect of securing absolute secrecy in recording votes and preventing corruption and intimidation. It has not succeeded in doing anything of the kind. It is contrary to the genius of the Government under which we live and for this reason I am opposed to the bill and I wish to put on record my opposition to secret voting.

The motion was agreed to.

(In the Committee.)

On clause 3,

Hon. Mr. POWER—I have looked through this bill and I do not find that it is anywhere stated that elections shall be by ballot. I do not mean to say it is absolutely necessary, but I think there should be some declaration in the bill to that effect. We only get it inferentially. There is some reference to the ballot in the amended schedule "L" of the bill, but I think there should be a declaration in the body of the bill that hereafter elections in the North-west Territories are to be by ballot.

Hon. Mr. ANGERS—This provision is in the bill by enacting a section in the Dominion Act as forming part of the bill.

The clause was adopted.

On clause 6,

Hon. Mr. ALMON—Have any petitions come from the North-west asking for vote by ballot?

Hon. Mr. ANGERS—Yes.

Hon. Mr. ALMON—That is the only constitutional way in which it can be done. The Government of Nova Scotia have pointed out to the world that the ballot is no safeguard. I have been told by persons coming from there that they all wish it. In Nova Scotia almost every person I speak to deprecates the ballot and says it is no use at all and that it tends to bribery and corruption.

Hon. Mr. ANGERS—The hon. gentleman will understand it is the wish of the people in the North-west to have elections by ballot. Moreover, this bill has relation to Dominion elections and is a matter altogether within the discretion of the Parliament of Canada.

Hon. Mr. POWER—My reason for asking the question is this: The clause which is now under consideration is clause 6. We go from section 20 to section 29. I notice that the section of the Dominion Elections Act which provides for vote by ballot is section 28, and that section is not among those sections which are made applicable to the North-west.

Hon. Mr. ANGERS—But section 29 enacts it sufficiently.

Hon. Mr. SCOTT—The other should be included.

The clause was adopted.

On clause 7,

Hon. Mr. ANGERS—Section 7 should read in this way:

Any application for a recount or final addition provided for by section 64 of the Dominion Act, shall in the North-west Territories be made to any judge of the Supreme Court of the said territory.

There is also another application which can be made which is the revision of this decision of the judge of the Supreme Court before the whole court, and the bill as now submitted to us has not provided for this, and at the end of the section I wish to have the following amendment:

And the application provided for the subsection added to the subsection by section 11 of chap. 19 of the Statutes of 1891 shall be made to the court *en banco*.

That is before the whole court.

The motion was agreed to.

Hon. Mr. DEVER, from the committee, reported progress and asked leave to sit again to-morrow.

## GENERAL INSPECTION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (125) "An Act further to amend the General Inspection Act."

(In the Committee.)

On the second clause,

Hon. Mr. DICKEY—I should like to have some explanation from the Government as to the intent and scope of this clause. It affects a large interest in the Maritime Province, that of hay which is being exported, and I should like to know whether it is intended to be obligatory on the exporters of hay; if so, this classification will be eminently deceptive. The market for hay chiefly is England, and in the English market anyone can see by looking at the prices current, that the hay which contains the greatest quantity of clover is thought to be the best hay, and in the bill this position is just reversed. The hay with the most timothy and the least clover is number 1, and that, with a percentage only of one-third of clover is number 2, and half timothy and half clover is number 3: that is to say, the grade decreases as the quantity of clover increases and then I suppose it may be intended that this discrepancy shall be described by the shipping grade of hay which is one of the items in this, on page 30: "regular shipping pressed hay, sound and well cured." I should like to know whether that is simply intended to be applicable to the hay that is to be shipped abroad, and whether these other subsections would interfere with it, because if it does, it will do great injury to those who ship the best class of hay in this country; that is to say, the hay that has the most clover in it, and which has been so accepted in England by actual use. Therefore, if we make this rule, of grading the hay, it appears to me it will do a great injury, and it will be inconsistent with the laws of trade which regulate the price; so in point of fact, if you are to look at this as the test of the quality of the hay, the inspection is of no service at all. Then the No. 1 hay will be the least valuable, and the other, which has a great quantity of clover, which commands the greatest price in the British market, will be the lowest grade. I should like to have some explanation of that, otherwise I fear it may lead to confusion. If it is intended that the only part that affects shipping hay is that which is classed under shipping hay, it should be made clear; it does not state what the quality of it will be, whether it shall be timothy or clover or any other hay. Of course, that might meet the difficulty, but I should like to call the attention of the Minister to it. I hope I have made myself understood that the rule in England is that the hay which contains the most clover is the most valuable, and thought to be most nutritive, but in this country we consider that the hay which has the most timothy and which has the least proportion of clover, is the most valuable. Perhaps this is not intended to apply to hay sent abroad. I have only just seen the bill and my attention has been called to it.

Hon. Mr. BOWELL—I might mention that this bill, simple in its character though it appears to be, was discussed for two or three hours in the other branch of the legislature by all the agriculturists, farmers and shippers who were interested in trade generally, and that the general consensus of opinion was that hay for the foreign market should be graded in this way. I see that last year when hay rose to a very high price in England great difficulty arose on the kinds and qualities of hay and the manner in which it was shipped from this country; so much so indeed that it almost brought the Canadian product into disrepute in the hay market, and it was then suggested not only by the Canadian exporters and shippers, but by dealers in England as well as in Canada, that hay should be added to the items provided for inspection in the General Inspection Act, and it was after a good deal of consideration and consultation with those who are interested as purchasers and others that these grades were adopted. I do not know or think that the interpretation placed upon these clauses by the hon. gentleman who has just spoken would be borne out in the selection of hay; that is, that the quality of hay which in this country we would consider to be the best for feeding purposes, mostly timothy, would be A No. 1—that is as to quality—in the English market. Now the three grades are 1, 2 and 3; and the first grade is timothy with a certain proportion of clover, and the second grade is timothy with a larger

proportion of clover, and the third grade is a certain proportion of timothy with a still larger proportion of clover. Now if grade No. 3 be the article which is required, or which would be preferred and which would bring the highest price in the market in England, surely those who wanted to purchase would not buy No. 1 ; they would take No. 3, and this classification is only for the purpose of grading the hay, giving it a grade by which you could know its qualities. If No. 3 is better for the purpose for which it is purchased than No. 1, then the purchaser in England or Europe would purchase No. 3 and not No. 1, and the same argument applies precisely to the clover, which is also graded ; and at line 30 the provision is that hay which has been badly cured, stained and otherwise out of condition, shall not have any grade at all, so that parties going into the market for the purpose of purchasing hay finding a lot for sale without any grade would take it for granted that it was of the character indicated in this Bill. The second paragraph, provides that all shipping grades, 1, 2, 3, of either timothy or clover, shall of necessity be of good condition, pressed, sound and well-cured ; so that the merchant who wishes to purchase either hay or clover, finding the bales marked knows its character. These are the provisions of the bill, and I know from a good deal of correspondence that I had in the Department of Trade and Commerce, particularly from Bristol, which seems to be one of the best markets for Canadian hay, that these difficulties to which I have called attention were pointed out, and there were other causes which perhaps are not incident to this bill to which I may refer, the shipping of bundles of pressed hay without being properly marked. For instance a shipper would place on board a vessel 100 bales of hay of a certain weight, another shipper would put 200 or 300 bales upon the very same vessel ; it would be all dumped in together and when it reached the English market there was nothing to indicate which bundle belonged to either one shipment or the other ; and the result was that in many cases the purchaser in buying bundles of hay would find he had a couple of tons too little and the other man who purchased other bundles would find he had a ton or two too much. That led to complication and difficulty, and the department at once issued circulars to hay dealers and sent them all over the country calling their attention to this and asking them to be more particular in this new branch of trade.

Hon. Mr. McCALLUM—They are marking all their bales now ?

Hon. Mr. BOWELL—The question of the grading was discussed for a long time in the other branch of parliament by those who are better acquainted with the qualities of hay than I am, and I speak more from the facts arising out of the difficulties that presented themselves to me in trying to advance and extend the trade in this particular. I might say also that this is not compulsory ; it is a question in my mind whether it ought not to be.

Hon. Mr. OGILVIE—It ought to be.

Hon. Mr. BOWELL—Those most interested thought it was best to leave it optional. I should be glad to have suggestions from those who have a practical knowledge of the business.

Hon. Mr. McCLELAN—How is this inspection to be proceeded with ? Does the inspector examine the hay before the pressing or after it is baled ?

Hon. Mr. BOWELL—There is no provision on that subject. If the hay is not inspected before it is baled and wired, I do not see very well how they are going to get at the true quality.

Hon. Mr. McCLELAN—The great trouble with the hay is that the inside of the bales may not be of the same quality as the outside of the bales. There may be something wrongly put in, and it would be impossible to detect it on looking at the outside of the bales. They can see how it looks there, but they cannot tell whether there is anything wrong with the hay inside. The Minister says that circulars have been sent to numbers of hay dealers all over the country. I have never heard of any circulars being sent to the Maritime Provinces, although that is a part of this Dominion.

Hon. Mr. BOWELL—A very important part.

Hon. Mr. McCLELAN—They are very considerable areas of fine hay land in the Maritime Provinces and we produce a kind

of hay which, while it may be the very best kind of feed for horses and is so recognized by the lumbermen of the Maritime Provinces would not come under any of these classifications of prime timothy or No. 1 clover. The question is whether by passing this amendment to the Inspection Act and putting that hay down as shipping hay, it would be fair to the farmers of the Maritime Provinces. So far as curing is concerned, the inspector could certify to that, but if it is calculated to prevent that description of hay from being graded as of first class character by this amendment, it would be against the interests of those sections where this particular kind of hay is produced. That seems to be an objectionable feature of the bill. However, the General Inspection Act only applies to such portions of the country as the Governor in Council may choose to appoint inspectors in, and therefore inspection under the General Act might not be made to apply to the Lower Provinces at all.

Hon. Mr. BOWELL—What do you term that hay?

Hon. Mr. McCLELAN—It is generally called couch grass mixed with timothy.

Hon. Mr. READ—I think the defect in the bill is in these words, "of good colour," speaking of timothy. It should define what good colour means.

Hon. Mr. OGILVIE—Everybody who knows anything about hay knows that.

Hon. Mr. READ—The colour is in accordance with the time it is cut. Many say that the best timothy is when it has lost its green colour. The question is what is a good colour.

Hon. Mr. ROBITAILLE—Green.

Hon. Mr. READ—Then say so. I think it is myself.

Hon. Sir FRANK SMITH—If hay gets so ripe as to lose its colour it is not good.

Hon. Mr. ALLAN—One would suppose that in another place where there are so many agriculturists, the bill would be put in the best possible shape, and that it would be presumption on our part to try to amend it. However, there are two or three defects to which I should like to call attention. The first is in regard to the classification of hay. It is all put under two heads, timothy and clover. The day has gone by, even in Ontario, when we confine ourselves to timothy and clover. One of the most beneficial results conferred by the Experimental Farm on this country has been in showing that there are a great many pasture and meadow grasses that are worth a good deal more than even timothy and clover, and I do not see why the classification should be confined to these two varieties. Then, again, in regard to the mode of inspection, I quite agree that it is an important point. I am sorry to say I have seen myself, in Ontario, bales of hay opened which proved to be of a very different quality from what they appeared to be on the outside, and I do not know anything that ought to be the subject of careful inspection more than this very article of baled hay. How it is to be carried out, I am not at this moment sufficiently informed to state, but if it is to be inspected after it is baled, I think the grading would be a farce. There is no doubt about it, that the exportation of hay opens up a large field for the farmers of this country, and one that ought to be profitable if the character of the hay is kept up to a high standard. Therefore, I should be glad to see the inspection made obligatory, and not a voluntary affair. If hay can be sent without its being inspected, we are always liable to have the character of our hay damaged by rubbish being sent to the English market.

Hon. Mr. DEVER—I have had a good deal of experience in the handling and feeding of hay, and in my opinion the best is clover and timothy, mixed. Those two grasses contain more saccharine matter than any other varieties. Clover is better suited for cows and sheep than for horses. Timothy is the best hay for horses that are travelling and working. It is of course a very strong grass and full of saccharine matter which, is beneficial for food even to human beings. We must have saccharine matter in our food. Hay that has not lost its natural juices or its green colour is known to be the best hay. Either clover or timothy hay is the best for export. Therefore, the more simply it is described the better. In that way the customer in England would know what he was buying either in clover or timothy.

Hon. Mr. McCALLUM—I have been engaged considerably in this hay business and know something about it. The character of Canadian hay has suffered a great deal in England by people being careless in shiping and carelessness in transportation. A great deal of our hay has suffered in transportation—it has been left out in the rain before being put on the vessel, and the Canadian farmer has suffered in consequence. It is very desirable to have an inspection, and I am glad to see that hay is to be inspected before it is shipped, but how is that to be done? The question is, how can you inspect hay after it is baled up? There must be two inspections. The inspector must see the hay while it is in the barn to ascertain its general character, and after it is baled, he must see that it is baled properly. No man in his senses would put anything inside of a bale of hay except the hay itself.

Hon. Mr. DEVER—I have known hay to be of very fine quality on the outside, while on the inside it was quite musty.

Hon. Mr. McCALLUM—I know that. If you bale hay and leave it exposed to the weather and the rain gets into it, when it dries it dries on the outside, and you find it is poor hay in the middle.

Hon. Mr. DEVER—It was not that—it was stored in a damp warehouse.

Hon. Mr. McCALLUM—I know that and that is what I am speaking of—the damage done in transportation. A great deal of our hay is shipped by way of New York. It is put on lighters before it is transferred to the steamship, and I have known it to be kept under the rain for forty-eight hours before being put on the vessel, and when it was unloaded in England it was damaged and the fault was attributed to the Canadian grower. But if you have an inspection a man knows what he buys. It costs twice as much to cure hay properly as it costs to cure inferior hay. You must cut timothy before it is ripe to make good hay. You must do the same with clover. You must cut clover while there is no dew on it to make first class hay.

Hon. Mr. POWER—How will the most careful inspection of hay in Canada prevent the destruction of hay on board of the lighter in New York afterwards?

Hon. Mr. McCALLUM—Certainly it will not. At the same time, if it is inspected here by Canadians, the reputation of the man who sells it is affected, and if he sends out good hay and it is damaged in transit, he can look to the carriers to make good the damage. I shipped 275 tons of hay last year myself. I never sold or put up as good hay in my life as that hay. The weather was fine when it was cut and saved. It was all put under cover and never went out of the barn until it was pressed to be put on the cars. I was told when it got to England that some of it was damaged. It came in the way that I have spoken of. If this hay had been inspected, it would have been a great satisfaction to me because I had taken particular pains to see that it was well cured. It had never had a drop of rain on it. I even took the care to have three wires on every bale in order that my hay should get to the British market in good order, and the result was as I have told you. I am very glad that we are to have hay inspected, but in order to get a thorough inspection you must see the hay before it is baled and see it afterwards.

Hon. Mr. McCLELAN—How do you propose to indicate the classification? How is it to be certified by the inspector? You say that the loose hay should be inspected first—how is the mark to be put on it?

Hon. Mr. McCALLUM—You cannot put the mark on at all until after it is baled.

Hon. Mr. McCLELAN—How do you do after it is baled?

Hon. Mr. McCALLUM—With a label. You put on a tag. That is the way they mark it now. Every man who purchases from me puts a tag with the weight of the bale on it.

Hon. Mr. McCLELAN—An examination is made when the hay is loose in the mow. Do I understand the hon. gentleman to say that the inspector should remain and see it pressed?

Hon. Mr. McCALLUM—No, I do not expect anything of the kind. I expect if a man has a quantity of hay to sell and is negotiating with a purchaser that he will get an expert to see his hay, and state what quality it is. He can get a certificate of that if he

likes. He can, when it is baled, call the inspector and have him examine it. He can call him in the first place. He must have the hay inspected first by some one who is competent to judge of its character, and get a certificate from him. It does not take much time to examine three or four hundred tons of hay and tell you the character of it. You cannot have the inspector there while you are packing the hay, because the machine will only pack about fifteen tons a day.

Hon. Mr. PERLEY—For twenty-two years I lived on a farm in New Brunswick, and I have had a great deal of experience in shipping and handling hay. It is utterly impossible to tell what quality the hay is when it is in the mow. The only way to overcome the difficulty, to my mind, would be to make the man who presses the hay the inspector, so that he could mark every bundle as it comes out of the press according to quality. On intervale land, marsh land and all kinds of land, in fact, unless a man is very careful, he cannot have an even quality of hay. You will find different qualities in the same meadow. You will have in the same mow a few hundreds of hay here and there not of the same quality as the most of the hay in the mow, and the only way to have the matter finally determined would be to have the man who is pressing the hay keep track of it and inspect and mark each bale.

Hon. Sir FRANK SMITH—You will find that eventually this bill will cure itself. It is not a compulsory measure. The shipper is not compelled to have the hay inspected and therefore you will find it will come down to this—it will be impossible to have an inspector where the hay was baled in different parts of the country. Then if it was inspected at the ship's side, the inspector might condemn it and make it a very great hardship on the man who brought it there. You will find that it will all come to this, inasmuch as the shipper is not bound to have the hay inspected, he may try it once or twice but he will not continue it—he will buy the hay according to his own judgment and will ship that hay and let it take its chances in the old country. You cannot have an inspector at every place where the hay is baled, and as for the different grades of hay for feed purposes in England, as I have heard it they will call clover the best hay. I say it is for some purposes, but it is not the best for horses on the road. It will do for horses that have no work, but for roadsters it will not do at all. For cattle, clover is the best feed in the world, and I can easily understand why they appreciate our clover in England, and prefer it to timothy. Inasmuch as this is not an Act that will compel a man to have his hay inspected, you will find it will do very little harm. The dealer will ship his hay and take the chances in preference to taking chances of inspection here, and the risk of his hay being condemned.

Hon. Mr. McCALLUM—I think instead of doing harm it will do good. It will be in the interests of the man who has a large quantity of hay to get it inspected. If there is an inspection of hay any man who has hay to sell will want to get it inspected in order to get the biggest price for it.

Hon. Mr. POWER—We are dealing now with the second clause of this bill, which refers to the grades of hay, and perhaps we had better confine our discussion to that and deal with the other questions afterwards. The provision for grading, as far as it goes, seems to be right enough. Prime timothy, No. 1, No. 2 and No. 3. No. 3 has a great deal of clover in it, but inasmuch as it is marked timothy it is No. 3, because it is not so largely timothy as it should be. If you are going the other way and want to send clover, you have No. 1 and No. 2 and so on. I do not think this provision for grading is carried far enough. It is perfectly right that you should mark no grade as hay which has been badly cured and which is stained or out of condition, but there ought to be some brand which would cover the hay spoken of by the hon. gentleman from Amherst and the hon. gentleman from Hopewell, because the marshes in New Brunswick and Nova Scotia grow immense quantities of hay, and that hay could hardly be classed either as timothy or as clover—there is some timothy and a very little clover, and a great deal of couch grass in it. There should be some provision for the grading of that kind of hay. Then this clause is defective with respect to the shipping grade. It does not tell the ordinary wayfarer exactly what sort of hay shipping grade is to be. Timothy is shipped, clover is shipped, and mixtures of timothy and

clover are shipped—what is meant by "regular shipping pressed hay"? I think the bill should define that. Then, if I might be allowed to go a little apart from the clause which is directly before us, this bill, which is a step in the right direction, is defective inasmuch as it contains no provision for the manner in which the inspector's certificate is to be affixed to the hay, and does not provide any penalty for fraud or for marking the hay with an improper brand. If the hon. gentleman looks at the provisions with respect to flour, he will find several provisions there something like which would be required in a measure for the inspection of hay. Fortunately we have the two Ministers most interested in the bill in this House, the Minister of Agriculture and the Minister of Trade and Commerce, and I would suggest that when we get through as much of the bill as we have here, we should let the committee report progress, and they will be able to add some further clauses to the bill which would make its provisions more beneficial.

Hon. Mr. REESOR—There is one point that none of the hon. gentlemen who have spoken upon the subject have mentioned, and to which a large proportion of the hay that has been called bad hay when it gets into England is to be attributed—that is, that after the hay is cut and put into the barn in a sufficiently well-cured condition to come out again in the winter or spring, if they pack that hay too early in the fall there is danger of it being nearly ruined, although it may be in a perfectly good condition to keep in the barn. It will not always bear packing.

Hon. Mr. DEVER—You mean baling.

Hon. Mr. REESOR—Yes, in packages. If you bale that hay early there is danger of it being all spoiled.

Hon. Mr. DEVER—It will heat.

Hon. Mr. REESOR—There is danger of its heating. There is a bare possibility of your getting some cured so dry that it will bear early packing, but there is very little that will do that; and unless that is attended to there will be continual failures and disappointments. In our part of the country a great deal was sold last year, but they found that the hay that was packed early failed to be good, and much of that kind of hay was shipped to the Toronto market and has been for years. You will find the parties who buy hay largely in Toronto for consumption will not give as much for the baled hay as they will give for hay off the load where the farmers bring it directly from the barn, because it is almost impossible to tell, unless they cut the bales open, whether they have been packed in the right condition, and if they are not packed in the right condition, very many bales will turn out badly. It was just as has been in shipping butter to the old country: for the last 30 or 40 years the Canadians have been shipping butter, and for the last five or six years they have got up a cry that there is a great demand there and they will get good prices; but almost invariably they are careless about sending it across the Atlantic. It will be piled on the vessel in a position where it will be subject to a good deal of heat, or left in the warehouse at the railway five or six days before it is shipped on the cars, and in going on the cars if it got very hot it would suffer great damage. Well, by the time it reaches England tons and tons had been sold just at the prices of grease—butter that was good when shipped and that would have brought the best price in this country for consumption at the time; but it deteriorated in quality through the carelessness and ignorance of dealers, as well as of those who produce it. Of late years they ship much less butter. They are shipping a little, and they are trying to get things arranged so that they can send by cold storage, but unless it is sent by cold storage it will be very little use. With the hay it is not so much the fault of the weather when it is in transit to market as it is of its condition at the time it is baled. There is more danger then than at any other time. In regard to the inspection, I agree with Sir Frank Smith that it is a matter that will have to regulate itself, and the man who buys and ships to the old country must make it a point to know that the article he ships has been packed at the right time as well as being of the right quality when it was made and cured. In that way they may secure a good market that will last; but if carelessness is shown upon this point they will never get a good market for their hay.

Hon. Mr. BOWELL—On a question of this kind, where every person is interested, there is always great difficulty in placing on the Statute-book any bill which will meet the approval of interested people in the country. Many suggestions and questions which have been asked can only be answered in general terms, unless the gentlemen who make objections would specify from their experience what amendment they think ought to be made. This is a bill supposed to be in the interests of trade generally, and more particularly in the interest of growers of hay. Take as an illustration the question asked by the hon. senator from Quinté. The Bill says the hay shall be of good colour; then he asks the question what colour it should be to come within that designation? Now, I know of no man in my acquaintance who has had longer and greater experience than my hon. friend has had in growing hay. I do not know whether he has shipped any, but he has had an extensive experience in growing hay and almost every other product of the farm. He is the very gentleman from whom I would ask the description of the colour of the hay, if I were to set out to ascertain that fact, and if he can tell me what it is I should be glad to have it embodied in the bill. The hon. member from Albert asks how it is to be inspected. If he will examine chap. 99 of the General Inspection Act, which this small bill amends, he will see that it says, "wheat and other grains." The whole addition to the Act is the words, "and hay." Now, all the provisions of the Inspection Act will apply to the word "hay," just as forcibly as to any of the other articles which have to be inspected, and consequently there would be no necessity for encumbering this bill with a number of definitions and explanations as to the mode and manner of inspection that are contained in the Act. I am very sorry to hear the remark made by the hon. gentleman from Albert, that these circulars never reached the Maritime Provinces. All I can tell him is that there are many circulars printed affecting every branch of trade, and the instructions are to send them to every part of the Dominion, and I recognize the fact that the provinces by the sea, particularly as far as the shipping is concerned, are a very important part of the Dominion. It may be that these circulars did not reach every hay-grower. They are sent in numbers to the parties interested in the purchase of hay and to the boards of trade, and it is to be supposed that those gentlemen would instruct the parties from whom they purchase. I would be very glad to act on any suggestion that could be given me, and increase the circulation of any of those circulars. The remarks I have made in reference to the quality of hay apply with equal force to the objection or semi-objection made by the hon. gentleman from Albert and those who spoke of the hay in the Maritime Provinces. The hon. gentleman says there should be something done to designate that quality of hay, because if I understand him the marsh hay is composed—and I am only speaking from what I have heard from the gentlemen who are not only interested but have experience—is composed of timothy, but very little if any clover. Then the question would suggest itself, whether there should not be a clause designating that hay, meaning timothy, and whatever kind of hay is grown in these sections of the country.

Hon. Mr. READ—Mixed grass.

Hon. Mr. ANGERS—Marsh grass would be a better description.

Hon. Mr. BOWELL—I am afraid if you say marsh hay and apply it to the hay that grows in my county, it would be considered a very inferior hay and very little of it used except when everything else failed in that section of the country, unless they mix it with grain and other food for cattle. I will say, before I proceed further, that my intention is, after we have had a full discussion upon this matter, to ask the committee to rise, report progress, and sit again. For this reason I have taken a note of all suggestions, and will bring them under the notice of the department and also the Inland Revenue Department, where the Inspection Act is put in force. The remarks of my hon. friend from Monck will apply to everything that we ship to the old country. There is this advantage, however, if you place upon a vessel an article with a brand No. 1, or whatever quality it may be, and it spoils on board the ship, from any neglect on the part of the carrier, I take it for granted that the carrier, under the common law, would be responsible for the damages, and the shipper in that case would have certainly a better case with which to go into court, by being able to establish the fact that the hay was branded

and was of a certain quality, and being of a certain quality it was worth a certain amount of money on the day on which it was injured.

Hon. Mr. DEVER—I have done a great deal of business where branding and trade marks are used, and I always found that to make a shipper safe it was essential that the brand should be known immediately before the shipment took place. You may brand an article to-day and it may lie in the warehouse until it becomes sour or musty or damaged in any way. It still retains the brand, and under the argument of the Minister it appears that that would be a guarantee for the shipment. You would have to prove that the article on going on the ship and at the time the bills of landing were signed was in good order, and you will see at once that it would be almost impossible to accomplish that with goods that are packed up and cannot be loosened out before being shipped.

Hon. Mr. OGILVIE—If they sign bills of lading for it in good order that is all you require.

Hon. Mr. DEVER—What does good order mean? It means apparently in good order, and when it comes into court you must prove that that article was in good order in the centre of the package.

Hon. Mr. BOWELL—We will let the courts decide that when the cases arise. If you ship an article by railway or steamer and they accept it in good order and condition, they are held responsible if it can be shown it has been injured or destroyed through their carelessness on board either the vessel or by whatever conveyance it is carried. As to the objection made by the senior member from Halifax to the certificate as to the quality of the hay, I have already called attention to the fact that that is provided for in the General Inspection Act. Flour and wheat are branded just the same as any other article, and if it is found there is not provision in this Act to meet the case it will be time enough to add a provision in the General Inspection Act.

Hon. Mr. POWER—It was just with that view that I called attention to it.

Hon. Mr. BOWELL—The general discussion as to how hay and other articles will spoil applies to every other article of trade, and what my hon. friend from King's has said in reference to the purchase of hay is quite true. Most of us who have been buying hay on the market know that we sometimes buy a load of timothy which looks all right on the outside, but when you come to put it in your barn you will find the middle of the load is all musty. Parties selling hay know how to do a little cheating as well as those who pack apples or anything else. Those are difficulties which will arise in dealing with dishonest people. I do not know that there are any other points to which I can draw the attention of the committee. I quite agree with the remarks made by the hon. member from King's, particularly in reference to butter when it has been shipped from this country to England in the past. We are in hopes by the establishment of lines of vessels that will provide, not frozen compartments, but cold or chilled storage, so that meat and such articles can be sent to European markets in as good condition as when they leave the dairy in Canada, that we shall have accomplished something which will answer the hon. gentleman's purpose, and we shall have no more first-class butter sold in the English market for grease.

Hon. Mr. FERGUSON (P.E.I.)—As far as the province I represent is concerned, the grades of hay seem to be quite suitable. I have looked into this very carefully and have heard the observations of hon. gentlemen all around. These grades have been fairly well considered, and I would not have very much objection to them. There is only one suggestion that I would make. I find that No. 1 and No. 2 timothy, as well as No. 1 clover, require to be of good colour, sound and well cured. No. 3 timothy and No. 2 clover are of fair colour. Now the colour of either clover or timothy, I might say, is the supreme test of quality, and it would be better if these brands and numbers would refer entirely to the variety. If good colour were required in all cases, it would be more consistent because when you call for good colour, sound and well-cured, everything is consistent; but when you call for only fair colour, sound and well-cured, it is not consistent, because fairly coloured hay is not sound and well-cured. The only way that that could happen would be when the hay was cut late. The right

colour, as far as my experience of hay goes, is obtained by its being cut at the right time, and properly dried and stored, and the right colour for hay is the nearest approach you can get to the colour of timothy and clover when it is cut at the right time.

Hon. Sir FRANK SMITH—You have seen hay a good colour when it was cut and when it got into the barn was not a good colour?

Hon. Mr. FERGUSON (P.E.I.)—Then it ceases to be sound and well-cured hay. I hope I have made myself understood. My suggestion is this—that good colour should be required in all these different brands and the words "fair colour" should be dropped in all cases.

Hon. Mr. READ—The law does not designate what good colour is.

Hon. Mr. FERGUSON—Experts would know how to find the right colour. My suggestion is that these brands should refer wholly to the variety and the proportion of the varieties that should be found in the hay, but that good colour should be required in all the varieties.

Hon. Mr. BOWELL—Might I ask whether good colour would apply to all qualities and kinds of hay? Would the hay grown on the marshes in the Maritime Provinces, were it really good and first class as the timothy hay with a slight mixture of clover grown in Ontario, be of the same colour?

Hon. Mr. FERGUSON (P.E.I.)—I have no experience in marsh hay, but marsh hay of good colour would be just like timothy of good colour. It would approach as nearly as possibly to the right colour at the time of cutting.

Hon. Mr. POWER—You might say No. 1 shall have superior colour and the other grades good. I hope the Minister will bear in mind that as far as one could judge from the expression of the hon. gentlemen from the Lower Provinces, it is desirable that there should be another denomination put in to cover the hay which they have spoken of, and further the Minister did not answer the question which I asked with respect to shipping grades. There is nothing in this bill which defines what regular shipping pressed hay shall be, and I think that ought to be made clear. I presume the expression has some meaning, but I do not know what it is and I do not know whether any of my friends do.

Hon Mr. KAULBACH—I presume it means any kind of hay other than clover and timothy.

Hon. Mr. BOWELL—If the hon. gentleman will look at the bill he will see that it is amply provided for. Section 44 of the said Act is hereby amended by adding thereto the following words: "the grades shall be as follows"—that is the grades of hay for shipping and the grades of hay to be inspected; and then it says the grades shall be in good condition. That must include the different grades designated here both of timothy and clover.

Hon. Mr. POWER—I am still in the dark. Does shipping grade mean No. 1 timothy or No. 2 timothy, or No. 1 clover, or what?

Hon. Mr. FERGUSON (P.E.I.)—It means the whole.

Hon. Mr. BOWELL—The clause provides that the grades of hay shall be as follows: The shipping grade may be No. 1, or No. 2, or No. 3.

Hon. Mr. KAULBACH—But it must be timothy or clover?

Hon. Mr. BOWELL—Yes.

Hon. Mr. REESOR—Hon. gentlemen in eastern provinces ought to know whether there is any demand in England for their marsh hay. If there is no demand for it abroad, there is no use sending it. I apprehend the principal demand is for the timothy and clover. We can only judge according to the demand in Ontario.

Hon. Mr. BOWELL—The hon. gentlemen from the Maritime Provinces can answer that question better than I could, whether they ship their hay to England, or whether, as has been intimated to me by the Chairman, most of the hay shipped from Nova Scotia goes to the West Indies, and if that be the case then there would be no necessity for it. Still if the hay grown in

the Maritime Provinces should find a market there, it is better that it should be included in a grade of its own.

Hon. Mr. REESOR—I should think so. They want some experience in shipping to England before they can establish a grade.

Hon. Mr. McKAY, from the committee, reported progress and asked leave to sit again.

Hon. Mr. REESOR—I wanted to ask the hon. member from Monck whether the hay he packed was baled in the fall of the year or in the winter?

Hon. Mr. McCALLUM—I pack it in winter.

Hon. Mr. REESOR—Then it ought to be baled in good condition.

Hon. Mr. McCALLUM—There is a reason for that; we pack it when we get through our other work.

Hon. Mr. REESOR—If it is packed early then it may be the fault of packing it too early.

Hon. Mr. READ—I suggest there should be a grade of hay other than clover or timothy.

## INSPECTION OF SHIPS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (113) "An Act to amend the Inspection of Ships Act."

(In the Committee.)

On clause 1,

Hon. Mr. KAULBACH—That provision is not confined to British and Canadian ships, I understand; it refers to foreign ships as well.

Hon. Mr. BOWELL—Yes, all ships except Her Majesty's ships. The committee will remember that when I introduced the bill, I explained there was a contradiction between the third and the eighth sections, and this is to remove that contradiction as to the inspection of all ships except Her Majesty's ships.

The clause was adopted.

Hon. Mr. McMILLAN, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## RAILWAY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (14) "An Act to amend the Railway Act."

(In the Committee.)

On the first clause,

Hon. Mr. POWER—That covers a great deal more ground than is apparent. It is desirable that the motorman should be protected, and if we had cable cars it would be desirable that the gripman should be protected; but the language of this provision is wide enough to oblige railway companies to provide shelter for all their employees. I do not suppose there is any objection to that. It is only right that they should.

The clause was adopted.

Hon. Mr. CLEMOW, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

The Senate adjourned at 5.45 p.m.

---

## THE SENATE.

*Ottawa, Tuesday, 12th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceeding.

## REPORT OF STANDING ORDERS COMMITTEE.

MOTION.

Hon. Mr. MACDONALD (B.C.), from the Committee on Standing Orders, presented their nineteeth report.

Hon. Mr. MILLER moved that the rules of the House be dispensed with in so far as they relate to the bill referred to in the report.

Hon. Mr. DICKEY—Would it not be better to move the adoption of the report also?

Hon. Mr. MILLER—This is the course which is being pursued in this House recently. My own preference would be a motion for the adoption of the report as it simply refers to this petition. I do not consider that any motion for the adoption of the report is necessary when I make a motion which expresses the same thing.

THE SPEAKER—Either will do, but generally we propose the adoption of the report in a case of this kind.

Hon. Mr. MACDONALD (B.C.)—Then I move that the report be adopted.

Hon. Mr. MILLER—The adoption of the report is tantamount to the adoption of my motion and supersedes my motion. The adoption of the report does the very thing that we are asked to do by my motion. If we adopt the report, an independent motion is not necessary. The practice of moving a motion such as the one submitted has arisen in this way—very often a report contains two or three matters some of which may not be acceptable to the House or may not interest members generally. The House may not be willing to accept the whole of the report but may be willing to accept one of the recommendations. In that case the motion to suspend the rule is necessary. But when, as in this case, there is simply one item and the committee recommends the suspension of the rule, when that report is adopted no further motion is necessary.

The motion was agreed to.

## CHINESE RESIDENTS IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.), rose to inquire,

Whether the Government intends to give effect to the petition of Chinese residents of British Columbia, praying for an extension of the time in which they can return from China to the Dominion, on the same certificate?

He said: About two months ago a petition was sent in by the Chinese residents of British colonies, praying for an extension of the time to return to China. At present they have only six months to go and return, they paying $50, and if they are beyond the six months they have to pay $50 more on landing in Canada and the petition prays for an extension of the term to eighteen months. I think, perhaps that is too long a period and probably a year would be a fair term. Six months of course is too short; it would give them a very short time with their friends in China, and the duty of $50 is a heavy one. I wish to ask the Government if they intend giving effect to the petition or not.

Hon. Mr. BOWELL—It is not the intention of the Government to interfere with the Act affecting Chinese during the present session.

## STRAITS OF NORTHUMBERLAND BORINGS.

INQUIRY.

Hon. Mr. FERGUSON—I wish to ask,

Whether it is the intention of the Government, during the approaching summer to complete the borings under the Straits of Northumberland, which were commenced in the year 1892, and if so, whether it is the intention to put a sufficient sum in the Supplementary Estimates for that purpose during the present Session?

Hon. Mr. BOWELL—It is the intention of the Government to proceed during the present summer with borings under the Northumberland Straits which were commenced in 1892, and a sufficient sum will be placed in the estimates for that purpose.

## NORTH-WEST TERRITORIES REPRESENTATION BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (5) "An Act further to amend the North-west Territories Representation Act."

(In the Committee.)

Hon. Mr. ANGERS—An amendment to this bill may be required. Under chapter 13 of the Revised Statutes it is

said that no member of a local legislature shall be eligible, while holding such position, to become a candidate for the House of Commons. The section only speaks of the provinces. At first blush one would think that it does not include the North-west Territories and in the past an instance occurred whereit escaped everybody's attention; a member of the North-west Assembly became a candidate without resigning. He was defeated, and without any inconvenience he went back and sat in the legislature where he had sat before. By referring to the Interpretation Act the section which says that the word "province" shall also mean and include the North-west Territories covers such a case. I would like to be confirmed in my impression by the Minister of Justice. I am of the opinion that the disqualification now exists, but still if there is a doubt I want to have the opportunity, with the sanction of this House, to make it quite clear and I will move that the chairman report progress and ask leave to sit again.

Hon. Mr. DEVER, from the committee, reported progress and asked leave to sit again.

## DISFRANCHISEMENT OF VOTERS BILL.

### SECOND READING.

Hon. Mr. DICKEY moved the second reading of Bill (6) "An Act to disfranchise voters who have taken bribes." He said: I suppose the title of this bill sufficiently indicates its object, but at the same time I might give a word of explanation with respect to it. It is a bill providing that after 40 days and within 60 days after an election a petition may be presented to a judge showing that in a certain district there has been bribery and that the bribery has been of such a character as to affect the general vote, and it also provides that the petition shall be verified by an affidavit of the truth of the statements made by one of the five parties who are required to sign it. It is also provided in the bill that the matter shall be heard before the judge and that he shall summon witnesses and examine them and come to a decision upon the point, which shall be communicated to the Secretary of State, and the Secretary of State is called upon to lay that decision upon the Table of the House at its next sitting, within 14 days after the opening of the session. The pith of the bill is contained in the 15th clause, which provides that no voters whom the judge reports to have taken bribes shall be placed upon the voters' list, or shall be capable of voting at any election of the members of the House of Commons for the next seven years after the receipt of the report of the judge by the Secretary of State. This bill has been very much canvassed in the House it specially affects, and is a very different measure from what it was as introduced. There are some safeguards to which I shall call attention. In the first place, it requires a deposit of $1,000 to show the *bona fides* of the party, and to provide a fund for the expenses of this inquiry, before any step can be taken. It provides also that no petition of this character can be presented where the election that has given rise to it is opposed under the Controverted Elections Act, in other words where there has been a petition against the return. It also provides that notice of the petition shall be sent to the party affected, and after all this has been gone through and all these safeguards have been exercised, when the decision is made, the party has an appeal from that decision. This bill affects the House of Commons, and I presume we will not be very much in doubt about the propriety of passing it.

Hon. Mr. ALMON—Before the bill is read the second time, I want to point out to this House how this corroborates the opinions which I expressed the other day as to the inefficacy of the vote by ballot. How are you to ascertain that a man has been bribed unless you ascertain how he voted? You have a suspicion that the man was paid, and that is only made clear by the person confessing. If you saw a man who always supported and voted for one party voting the other way you would suspect the cause. This bill has been mutilated by the party who preached purity of election and talked about putting down bribery, and all that kind of thing. They have cut the teeth and drawn the nails out of that bill so as to render it of no use whatever.

Hon. Mr. SCOTT—Pretty hard on the Conservative party.

Hon. Mr. McKAY—I have not had time to read this bill all through, but I have come to the conclusion, from what I have read of it, that it is a grand bill for a number of hungry lawyers that are to be found in all the towns of the country. I do not wish to say anything disrespectful of lawyers generally, but I presume in other communities, as well as in the one where I live, there are several such people who are unable to get enough business to keep body and soul together.

Hon. Mr. ALMON—They have no souls to keep.

Hon. Mr. McKAY—I presume this bill will afford them a business. They will turn themselves into a searching party to hunt up business. The election courts are troublesome enough to a member after he is elected and under the existing law people who have taken bribes can be punished without passing this measure. I am opposed to this bill and shall vote against it.

Hon. Mr. POWER—I do not know that I should have said anything on the second reading of this bill if it had not been for the remarkable statement of my hon. colleague. This bill was introduced by a Conservative member in the other chamber, the member for Albert. My hon. colleague stated that it had been mutilated by the Liberal members. He is altogether mistaken. The bill was supported pretty generally by the Liberal members, and the most determined opposition it received was from the Conservative member from Montreal who talked against time on two or three separate days when the bill was up for discussion. With respect to the observations made by the hon. gentleman from Truro, I do not think that there is very much weight in them, because if the gentlemen of the House of Commons who have to run elections are satisfied that this measure shall become law and are willing to risk any additional inconvenience or expense that it may put them to, I do not think that in this Chamber we should undertake to be more careful of their interests than they are themselves. As it is a matter which peculiarly affects the elections to the House of Commons, I do not think that this House has really—looking at the rules of Parliamentary etiquette which are generally observed—any right to meddle with it at all.

Hon. Mr. REESOR—There is one feature of the bill which I cannot exactly reconcile with my ideas of sound legislation. It provides for disfranchising a man who accepts a bribe, but does not provide any punishment for the man who gives it. What is sauce for the goose, should be sauce for the gander, and, inasmuch as the voter might be a very ignorant man, comparatively speaking, and not know the value of a moral life as well as a well educated man, he is less to be blamed than the person who offers the bribe. The man who has wealth and is well educated and gives a bribe, should be held quite as responsible for wrong-doing as the man who accepts it, and is really more deserving of punishment, because he knows better, but the poor man, who is glad to get a dollar in any direction, sometimes may be tempted to do wrong. It seems to be a sort of jug-handled legislation.

Hon. Mr. SCOTT—That is all provided for in the statute.

Hon. Mr. REESOR—If so, I have no further objection to the bill.

The motion was agreed to, and the bill was read the second time.

## BILLS INTRODUCED.

Bill (101) "An Act to incorporate the Alberta Southern Railway Company."—(Mr. Power.)

Bill (58) "An Act to incorporate the Lake Megantic Railway Company."—(Mr. Ogilvie.)

Bill (80) "An Act to revive and amend the Act to incorporate the Rocky Mountain Railway and Coal Company."—(Mr. Perley.)

Bill (81) "An Act respecting the Erie and Huron Railway Company."—(Mr. McKindsey.)

## THE INSOLVENCY BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (E) "An Act respecting Insolvency."

(In the Committee.)

On clause 2, subsection *a*,

Hon. Mr. McKINDSEY—Before subsection *a* is passed, I desire to call the at-

tention of the House to the fact that this clause includes almost every person who owes a debt of $250. The original bill, as it was introduced, separated the parties entitled to obtain relief under this measure. In the first place there were traders, and several clauses defined what traders meant. Another part of it gave farmers, graziers and others a right to relief. Subsequent to that, in the committee, the words "trader, farmer and grazier" were eliminated from the bill and the word "debtor" was put in. I submit to this House that the word "debtor" is too wide. It includes classes of persons who have not made an application to Parliament to be relieved from their liabilities by this measure. I was opposed, in the first instance, to farmers being included, simply because the farmers of this country do not require and have not solicited this Parliament by petition or by deputation, to be included in the provisions of the Insolvency Act at all. There is no class of persons in this country who have better opportunities for appearing before Parliament by petition than the farmers. They have their village, town, county township and city councils composed largely of the farming community, and if they desire to have any Acts passed in their interest or to oppose any legislation which they deem will injuriously affect them, they have the very best opportunity to appear before the municipal councils and have their views presented to Parliament. In no single instance, so far as I know, have the farmers of the country, through these avenues which are open to them, petitioned Parliament to be included in the classes to be affected by this bill. Neither have they opposed it. Other persons who are affected by the changes made in this bill, any man, in fact, who owes $250 can be forced into insolvency. None of them have applied for relief. Therefore, I do not see why Parliament should try to force upon people who do not ask for relief a bill which gives them relief of this kind. The farmers of this country, to my mind, are a hopeful class of people; they live on their farms and labour hard. If in consequence of a failure of crops, or reduced prices for the products which they raise, they are unable to meet their liabilities at the end of the year, they are willing and anxious to remain on their farms, and by labouring hard and economizing, live in the hope that the next year Providence will give them a good crop that will enable them to clear off their debts. They are honest and willing to pay up if they realize their expectations. In the original bill the farming class were placed in the position that they could, of their own voluntary motion, take advantage of this bill, but as it stands now, it is compulsory. If a merchant, or a neighbour who has a feeling against a farmer who is unable to pay his indebtedness to the amount of $250, wished to gratify that feeling against his neighbour, he can get a receiving order against him and put him into insolvency. The bill as it was first presented was not so objectionable, and unless the farmers and graziers came and opposed it, I would not object, because it was a voluntary thing on their part whether they took advantage of the bill or not, but as it is now, it is compulsory and it is too general. The door has been opened until, to my mind, the Act is so general that the foundations on which it was based have been entirely destroyed. It is quite right that traders should have some relief. Persons who trade, if they are unsuccessful, are probably honestly so; something may have come upon them which they had not anticipated, and there should be some provision made whereby such people could get relief if they were honest in their dealings and were unsuccessful; but I want it limited to those people, and you may, in defining what a trader is, include a large number of persons who are possibly outside what some people might consider trade; and in that way this measure might be entirely confined to what may be called traders. I intend to move that the word "debtor," which I think is fatal to this bill, be eliminated, and that the word "trader" be substituted therefor, and after that is done, if it is thought proper in the interests of the country, farmers and others can be restored as in the old bill. In the meantime, while this part of the bill is under discussion, I move that the word "debtor" be eliminated, and the word "trader" substituted therefor, after which we can consider the other matters.

Hon. Mr. MACDONALD (P.E.I.)—I would suggest that it would be better to put it this way: "insolvent means a debtor engaged in trade and commerce," &c. That would embrace all the classes suggested by the hon. gentleman and perhaps be more

definite and confine it more to persons engaged in trade and commerce than by adopting the amendment which he proposes. I should say "a debtor engaged in trade and commerce, &c."

Hon. Mr. McKINDSEY—That would not do. If this is passed, I want the definition of traders to be enlarged so as to take in other classes. For instance, there is a class of persons who have been dealing and trading in real estate and have come to grief in consequence of such trading. These people want to be relieved, and it may be possible to include in the trading class a person who has been dealing in real estate. What I want is to make it, in the first place, apply to traders and afterwards define what a trader means.

Hon. Mr. POWER—The motion, which may be a very desirable one, comes in the wrong place. We are simply defining what is an insolvent. An insolvent is defined to be "a debtor in reference to whom or whose estate a receiving order has been made under this Act." Now that is quite clear. It does not matter what class the bill may apply to, or to how many classes, an insolvent means a debtor as to whom a receiving order has been made. I think the hon. gentleman's amendment should come into clause 3 of the bill.

Hon. Mr. MILLER—I think so, too.

Hon. Mr. POWER—That deals with the application or non-application of the Act. Clause 3 says that this Act applies to all debtors. When we come to that it may be right to propose the amendment, but now it is not in the right place.

Hon. Mr. McCALLUM—As far as I am concerned, I am opposed to any Insolvency Bill, and if anybody will move a six months' hoist before the matter is concluded I will second the motion. I would like to ask the House who is it that wants the bill? Who asks for it? Have the farmers of this country petitioned for it? All the people of this country have a chance of appealing to the foot of the throne if they wish. Who have asked for it? Some of the boards of trade have petitioned for it. About 5 per cent of the population of Canada want an Insolvency Bill; and what for? To obtain an advantage over the other 95 per cent. There is a crisis all over the world, yet Canada stands second to none in its financial position. If we had an insolvency law in this country would we stand so well to-day? Are you going to put a man into insolvency because he owes $250? What is going to pay the expenses? My hon. friend speaks about legislation for the lawyers. Of course it would be food for the lawyers of this country. I do not speak with any disrespect to the profession, but we do not want this legislation. I am satisfied that if a vote of the people of Canada were polled on this insolvency question, nine-tenths of them would say that they do not want it, and yet we are going to force it on them. They have not asked it. If they had any grievances they would petition this House, but they have not done so. I am totally opposed to the bill. We had experience under the old insolvency law in this country. I can remember when any one who owed me money became insolvent, I got notice and attended meetings, but the only result was to throw good money after bad. At one time a man might get his pay, but under the insolvency law the assignee generally took it all. Are we going to have that state of affairs again? Supposing a man goes into insolvency and pays 66 cents on the dollar where do the expenses come in? If a man pays 66 cents on the dollar, certainly he is solvent, because the difference would not pay the expenses or the shrinkage. Therefore you are not going to give any relief by passing this bill. What is this Insolvency Bill for? The wholesale men of this country want this bill and for what? Let them keep their drummers at home and not send them through the country forcing goods on the people against their will and then trying to get a chance to close them up. Under such a bill what chance is there for an honest man? Take the honest trader in any part of Canada to-day who wishes to deal honestly and pay 20 shillings on the pound or 100 cents on the dollar and you will find that he does not want an Insolvency Act. It is the dishonest man who wishes to go through the insolvency court—he compromises with his creditors, and some traders do it three or four times, and what has been the result? The insolvent has made money and the honest man, unable to sell his goods at a reasonable price, has had to go out of business, because he

could not sell his goods as cheaply as the man who compromised with his creditors. The former Act offered a premium for rascality. Before this bill is through, if I stand alone in this House, I shall take the opportunity of moving that it be rejected.

Hon. Mr. BOWELL—I am inclined to agree with the hon. member from Halifax that this question should be tested in the manner he has suggested. The clause under consideration is one defining who shall be declared insolvent, and it declares that an insolvent means a debtor. Now the trader would be a debtor as well as any other person who had contracted debts. The third clause defines to whom the word "debtor" shall apply, and certainly if it is to be tested it would be better that it should come under that clause 3. I am rather inclined to think that the course pursued in committee on this question would be the best, that is, to leave the interpretation clause until the last, so that if any material change should be made in the principle or body of the biil, then the interpretation clause might be so worded as to be in accord with those amendments. However, this is a vexed question, I admit, and I agree with the hon. gentleman from Milton that the principles of the bill as introduced have been materially changed. The word "debtor" as it is used in the present bill applies to every one, no matter in what position in life he may be, whether it be a trader, a clerk, or a civil servant. All would come within the meaning of this clause as it stands now before the House, and if indebted to a certain amount, could be forced into bankruptcy. The original proposition was that a trader could be forced into insolvency or bankruptcy by those to whom he was indebted, but that the second class, who are designated debtors, such as graziers, farmers and other people of that character, could only go into insolvency of their own volition—that is, if they should become indebted to such an extent that they found they could not pay their debts, and would lose all their property, they could elect to go into bankruptcy and take advantage of the law. That was the principle of the bill when it was first introduced. My hon. friend who has made the motion now desires to substitute the word "traders," and then define what a trader is. Now it is just as easy to define what a debtor is as to define what a trader is.

Hon. Mr. McKINDSEY—Oh no.

Hon. Mr. BOWELL—Oh yes. You can define by a clause in this Act, which it would be necessary to place within it, what a debtor is. You can say a debtor is a man engaged is such and such an occupation in life, and none other, and that principle would be what I would suggest to those who hold that view upon the question ; otherwise, in every single clause we should have to change the word "debtor." I think it would be just as well if we allowed the word "debtor" to remain, and I would suggest that the question be left open until the gentlemen who hold that view could prepare a clause and define what a debtor is, which would be just as applicable and meet the same ends precisely as to define what a trader is.

Hon. Mr. McKINDSEY—Is not any man who owes another a small amount a debtor?

Hon. Mr. BOWELL—Yes, the hon. gentleman is right. If I owe ten cents to a man I am a debtor to that extent. If the law says that any indebtedness has been incurred through trade of a certain kind, and entitles me to be placed in insolvency, then it defines what a debtor is. But, on the contrary, if it says a farmer owes £10,000, but shall not take advantage of this Act, then he is not a debtor within the meaning of the Act. The law can declare, as I take it, the meaning of language no matter what it may be, no matter whether it is apparently absurd or not. The present law is based upon the principle of the English Bankruptcy Act as it stands on the Statute-book. It applies to all classes of debtors, no matter who or what they may be. My desire was that we should have two classes, one should be defined as a trader, and that was fully defined in the original bill. That clause can be adopted if it is necessary to declare what shall constitute a debtor, and it also defines what a debtor should be. The latter class could take advantage of the Act but could not be forced into bankruptcy; and that is the class to which the hon. gentleman referred when he spoke of the sanguine temperament and character of the farming community of the country. In that respect I am in accord with him. I should like to call the attention of the committee to the rule which I think it should be well for us to adhere to in the discussion of the

clauses of this bill, and that is that the principle of the bill having been affirmed, it cannot be debated or discussed while we are in committee discussing clauses of the bill, and I shall ask the chairman in future to rule that the discussion must be pertinent to the clause under consideration. I do not mean to refer to the remarks of my hon. friend from Monck. I want to call attention to it for fear we might go on discussing the principle of the bill and be here until next December. My hon. friend says he is opposed to the bill. I know that: he has told me that before, and I believe he is honest in his opposition. He has the right to move when the committee report that the bill be read that day three months or six months, or he may content himself by affirming his principles by voting against it and calling for the yeas and nays. That is a matter which concerns himself.

Hon. Mr. McCALLUM—I wish to put myself right before the House. The hon. gentleman will remember that when the bill was read the second time, I objected and said I reserved the right to myself at any time to discuss the principle of the measure in committee or at any other stage, and it was only on that understanding that I consented to the bill being read the second time. Otherwise I should have divided the House on it then. If the hon. gentleman wishes to shut me off, I tell him candidly that he will never hear from me again until the bill is through the committee stage, when I will move the six months' hoist if some one else does not do so.

Hon. Mr. O'DONOHOE—I would ask the hon. Minister whether it was not understood, when this bill was before us for its second reading, that in allowing it to pass that stage the principle of the bill might be discussed at any future period?

Hon. Mr. KAULBACH—No.

Hon. Mr. McCALLUM—We will discuss it before long.

Hon. Mr. BOWELL—I have no objection to the principle of the bill being discussed to the fullest extent, but I suggest that it be discussed at the proper time. The hon. gentleman from Toronto may be correct. I do not say that he is not, but I would like my hon. friend from Monck to understand that I was only speaking of the rules which govern the House, and it does not follow that because any member may reserve to himself a right at any time to discuss the question that he can do so even if it is contrary to the rules of the House. When we are discussing an important bill like this, we had better confine ourselves to the details and then when the time arrives my hon. friend can move the six months' hoist and speak as long as he pleases. I do not mean him to understand that I make any such suggestion, but he has that right under the rules of the House.

Hon. Mr. McCALLUM—I do not say that I have any rights under the rules of the House, but I say I have the hon. gentleman's permission. He said it could be fully discussed at any time. I do not want it to go down that I am acting contrary to the rules of the House, I had the hon. gentleman's own word and relied upon it.

Hon. Mr. MILLER—We are departing from the point at issue before the House, and that is as to the relevancy of the amendment moved by the hon. member from Milton. I am quite in accord with the view taken by the senior member from Halifax, that the amendment of the hon. member from Milton would come in more appropriately in the third clause of the bill. My hon. friend seems, however, to have given the matter some study and attention and is of a different opinion. It seems to me, however, that the 3rd clause of the bill would be the proper place at which to test the sense of the House with regard to the classes which it would be desirable to include within the scope of the Insolvency Bill. I must say I consider the proposition made by the leader of the House is a very good one, and perhaps it would meet with the concurrence of the committee and save a good deal of discussion at the present time. It may be that the defining clauses would have to be altered in many places after the bill has gone through, and perhaps it would be as well to let the explaining clauses stand over until we get through the bill and then alter them as they require alteration to accord with the bill as it was leaving the committee. That would be the most expeditious course to adopt and it would give my hon.

friend an opportunity hereafter, if he considers it necessary in connection with this clause to move any amendment. While I am on my feet I want to express in a few words my own opinion in relation to this bill. I am not one of those who believe that there is any very urgent necessity for an insolvency law in this country at the present moment, and I do not believe that because boards of trade and directors of banks may consider it in their interest to have such a bill upon our Statute-book, that it is in the interest of the great masses of the people of this country, whether artizans or farmers or any other class who contribute to produce the industrial wealth of this country. The bill having been introduced in this House and the House having affirmed the principle of the necessity for an Insolvency Act—that is the length to which the House has gone, simply affirmed the necessity of an Insolvency Act—we are free to make any amendments to any clause of the bill. The committee is fully at liberty to strike out or amend any of the important features of the bill which may be even considered as embodying the principles on which the bill is based. The only principle that the House affirmed by the second reading is the principle that an Insolvency Act of some sort is necessary. I think the House is committed to that principle, and I do not agree with the position taken by an hon. member, even if coincided in by the leader of the House, that when a public bill has reached its second reading any individual in this House, or any number of individuals, can reserve the right to discuss the foundation principle of it in committee. I do not think any number of individuals can reserve to themselves that right because such reservation would be contrary to the rules which govern our deliberations as a legislative body. This being my opinion I wish to state how far I am willing to go in placing an Insolvency Act on our Statute-book. I desire to refer to traders and trading corporations only. When the bill was before the committee a motion was made to strike the word "farmers" out of the category of the persons to come under its operation, and to place them upon the same footing as traders. I voted for that amendment, as I told the committee at the time, not because I desired to see the farmers placed upon the same footing as traders in regard to insolvency and the laws relating thereto, but because I disapproved of having farmers in the bill at all. I do not think the farmers of this country want an Insolvency Act. I do not think it is in the interests of the farmers that we should pass an Insolvency Act applicable to them, and I voted to place them in the same category with traders, as I stated in the committee, because I believed it would meet with the more general and unanimous condemnation both from the committee and the House. I agree with my hon. friend behind me that if the farmers of this country desire an Insolvency Act they have ample machinery and means of getting their wishes before Parliament. They are, perhaps, at the present time the best organized body, for economical and political purposes, in the country, and therefore may almost be said to be omnipotent, and as they have not asked us for any Insolvency Act applicable to them, I do not think it is wise for us to give it to them. But if we are to give them an Insolvency Act, I would give them just the same medicine that I would give the traders, and no other; I would place them all on the same footing. There is a tendency at the present day to go out of our way to flatter, I might say to court and coquette with the farming classes. True they are very powerful at elections, but I do not think that should influence us in yielding to them any privileges to which they are not entitled, beyond the privileges granted to other industrial classes of this country. I voted, therefore, to place farmers on the same category as traders, because I was opposed to having them in the bill at all, and I believe in that category it would be more easy to have them excluded from the bill either by motion in the special committee or by motion in committee of the whole House. There are other portions of the bill to which I am opposed, and which I may refer to if we get as far as them, but I do not wish to detain the House just now and I would suggest that the proposition of the hon. leader of the Senate be accepted, and we pass over the explanatory clauses and go on to clause 3 and take the sense of the House at once on the classes of debtors that the House wishes to include under the Insolvency Act, if we are to have an Insolvency Act at all, which, in my opinion, would not be necessary but for the bad laws in some of the provinces regarding preferential assignments.

Hon. Mr. DICKEY—With reference to the principle of the bill——

Hon. Mr. McKINDSEY—We do not want to talk about the principle of the bill: that was decided at the second reading.

Hon. Mr. DICKEY—I should like to call the hon. gentleman's attention to what has taken place with regard to this bill. I do not know if the hon. gentleman from Richmond was present at the second reading, but I was, and if any one is responsible for the peculiar position in which we are placed now I am that person. The position was first taken by myself, and suggested to the House on the second reading of the bill, that we should not debate the principle of the bill at all, but that, as this was a bill to be referred to a committee of the House to prepare a measure to be submitted afterwards to the Senate, we should let it be read and sent to the committee and that we should be at liberty at any time to discuss the principle and the details of this bill after it was reported. That was distinctly understood, and by no one better than by my hon. friend the leader of this House, who approved of it. I suggested that with a view to getting the bill on a stage, not that I approved of the bill, because I made no secret of my opinion, which I declared on previous occasions, that I am against the principle of the bill altogether. In order that the Government might have a fair chance for their bill, I suggested that hon. gentlemen should not be committed to the principle of the bill on the second reading. I said so in the presence of the leader of this House and it was assented to on all hands. If I am incorrect in that statement, I should like to have any one say so. The hon. gentleman from Richmond knows very well that we can make a motion, and carry it if we have a sufficient number to support us, that the committee rise and thus kill the bill altogether. Therefore, it was with extreme surprise that I heard the leader of the House object to any discussion on the principle of the bill, when the principle has never been discussed yet, for the reason which I have given. We have this bill for the first time submitted to us to-day, and my hon. friend has candidly stated that it is an entirely different measure in principle from the bill that he introduced here. I quite agree that this question of the persons to whom this bill should be made applicable is one that arises properly and I think only under the subsection which deals with that subject. I do not at all disagree with the suggestion made by the leader that this definition clause should be left until we see what should be included in it. My hon. friend (Mr. McCallum) who was interrupted when he was discussing the principle of the bill, asked who wants this bill. If my hon. friend had been a member of the committee and had been there the first two or three days, he would have seen who wanted it. He would have seen an array of people behind the benches, an array such as I have never seen before at a committee, representing banks and wholesale dealers and merchants from Ontario and Quebec who wanted this legislation.

Hon. Mr. McCALLUM—I was not a member of that committee. I declared myself opposed to the bill on principle, and I would not have gone on that committee if I had been asked to go.

Hon. Mr. DICKEY—My hon. friend fails to see the point. I am stating that it was in consequence of his not being a member of the committee that he could not get that information, but as I was there and he was not, I can tell him who wanted the bill. If he had come there a month afterwards, he would have seen the paid legal representatives of those bodies advocating their views before the committee. I made no objection to it, and no member of the committee made any objection to it, because we were only too happy to get all the information we could, and we gave them a fair hearing, but they were the people who wanted the bill. The people whom this bill affects were not there and have not been heard yet. They are getting a hearing now, and I think that hearing will not be stopped by the objection that has been made that we cannot discuss the principle of the bill in Committee of the Whole.

Hon. Mr. BOWELL—I am very sorry that any remarks I made should have been misunderstood, or that I should have forgotten any arrangement in this matter, for I had no intention whatever of departing from any understanding agreed upon at the time of the second reading of the bill. But I do still contend that, while all the rights were reserved to the discussion of this bill, the better time under the rules of the House

would have been to have discussed the principle of the bill pure and simple when the motion was made to go into committee. That was the time when this whole question should have been fully discussed.

Hon. Mr. DICKEY—I quite agree with the hon. gentleman.

Hon. Mr. BOWELL—I remember very well the discussion that took place to which my hon. friend refers, and that is really what I meant at the time; whether I was sufficiently explicit in making that explanation or not, I am not prepared to say. After what has taken place, I can assure the hon. gentleman from Amherst that I shall not take objection even if it is discussed in its broadest and widest sense in committee.

Hon. Mr. McKINDSEY—I only rise for the purpose of putting myself right with the committee in having moved this amendment to subsection *a* of clause 2. My opinion was, when I made the motion, that the opportunity for making my amendment arose when we came to the definition of insolvency. It was the first opportunity I had in considering this bill. I want to have it defined that "insolvent" means a trader, and I think this is the proper place to make my motion. Clause 3 is an application of this bill. It says it applies to all debtors. If I succeed in carrying my amendment to subsection *a* of clause 2, then clause 3 would have to be amended. I cannot see that I was compelled to wait until the House affirmed the principle that an insolvent meant a debtor before moving my amendment to the third clause to say that it should not be applied to debtors generally. I think the proper place for the amendment which I have moved is subsection *a* of clause 2. With respect to this question of discussing the principle of a bill in committee, I have no hesitation in saying that when the bill was read the second time there was a reservation that the principle of the bill might be discussed subsequently, but after the second reading and the reference of the bill to a select committee, when that committee reports the bill back to the House it is too late to discuss the principle. While the details of the bill may be discussed in Committee of the Whole, the principle of the bill should not be debated on every clause that we take up. The details of the bill are still before this House as they were before the select committee, and after the chairman has risen and reported the bill, then those who reserved the right to attack the principle of the bill can do it on the third reading, but it would be absurd and would show that we were not business men to say that any one who rises to speak in discussing the details of the bill in Committee of the Whole may bring up the principle of the bill on every clause. The right was reserved to attack the principle before the final passing of the measure, and that was done with a view to allowing the details in the Select Committee and in the Committee of the Whole to pass without the principle of the bill being introduced and embarassing the proceedings. I think the hon. gentleman who asked that the principle of the bill should not be disposed of at the second reading understood that he reserved the right to oppose the principle at the third reading.

Hon. Mr. KAULBACH—At the second reading of the bill a committee was appointed, and it was understood that we could then consider the principle of the bill. When we reach the third clause we should define what class of people this bill is to apply to, because many of the details of this bill will depend on the classes who are to be affected by it. Therefore, as early as possible we should determine that point.

Hon. Mr. PROWSE—It is not my intention to discuss the principle of this bill at this stage, but I remember very distinctly the understanding that the members of the Senate were not to be debarred from discussing the principle of the bill when they allowed the second reading to pass without debate. I quite agree with those who say that it is not convenient that the principle of the bill should be discussed at every clause. A more convenient way would be, after a fair discussion and consideration of the matter, if any member of the Senate wishes to defeat the measure, to move that the committee rise without reporting. That will bring the whole question up before the committee, or it can be done at the third reading of the bill if it ever goes that far. For my own part, I feel inclined to oppose the bill. At the same time, I should like to hear it discussed further before making up

my mind. If there is the same diversity of opinion in the Senate that there was in the committee, it will not be long before we become convinced that there are not two members of the Senate who agree upon the details of the bill. I attended several meetings of the committee and I have yet to learn that any two gentlemen were agreed upon the details of the measure, and the more fully we discuss the question here the more decidedly will it be made apparent that no insolvent law is needed in this country.

Hon. Mr. DEVER—I understood that the House gave authority to the committee to deal with the Insolvency Bill. That very fact shows that this House was in favour of an Insolvency Bill, otherwise they would not have authorized the committee to spend three weeks discussing it and bring before them representatives from all the commercial bodies in Canada—they would not have gone to so much trouble if they intended to destroy the labour put on this very valuable bill. However, if a number of gentlemen wish to defeat the bill, I have no objection, though I feel that it is a great loss of labour after the long time that has been spent in perfecting this bill and the expense that gentlemen have been put to in coming to Ottawa to give their opinions with respect to the measure.

Hon. Mr. SANFORD—I was very greatly surprised at the remark made by the hon. gentleman from Amherst. He asks who is interested in securing this Insolvency Bill, and he refers to those who occupied the back benches in the committee room. Well, who are interested in this Insolvency Bill? Are the lawyers alone interested? No, the business men of the country require it, and it is in response to an urgent appeal on behalf of those business men that you are called upon to deal with this measure. It is a crying necessity from one end of the Dominion to the other to day. The business men of the country say "let us have an Insolvency Law" and they very kindly, and I think very considerately too, have sent representatives before the committee to give any information that might be asked for —they simply volunteered that information. Our position to-day, as business men, is this, that in almost every section of this Dominion the laws bearing on insolvency differ from the laws of other sections. If a case of insolvency occurs, you cannot tell how you are to be dealt with. In the part of the country from which the hon. gentleman comes, it is almost an accepted conclusion in a case of insolvency, you get literally nothing. We want a law that will govern this question from ocean to ocean. The business men of Canada ask for this legislation and they deserve at our hands the most careful consideration.

Hon. Mr. POWER—The hon. gentleman from Milton appears to labour under a delusion with respect to this paragraph *a*. The hon. gentleman said it was objectionable because this paragraph says "insolvent" means a "debtor," and the hon. gentleman says: "I do not want the bill to apply to debtors, I want it to apply only to traders," but a few words further on there is a definition of what an insolvent means. It is a "person in reference to whom or to whose estate a receiving order has been made under this Act." Now, on whose estate can a receiving order be made? We have to go to clause three to see, and the hon. gentleman from Milton must see that the proper place for his amendment is clause three which says: "This Act applies to all debtors, &c." As I understand, the hon. gentleman from Milton wishes it to apply to a limited class of debtors, and that is the place to make the amendment. With respect to the principle of the bill, I wish to say one word. While it may be open to members to discuss the principle of the bill in committee, it would be a highly objectionable proceeding that the principle should be discussed several times in committee; but I put this to the hon. leader of the House—suppose that when we come to clause three the bill is given an application which is distasteful to the majority of the members of this House, it is in the power then of any hon. member to move that the committee rise, and that puts an end to the bill. Those who are opposed to going further with the bill can have their way if they are in the majority. Their opinions may be as wide as the poles apart. There are some hon. gentlemen who seem to think that the main object of the bill is to provide that the farmer may have an opportunity of going into insolvency of his own accord, without being put into it. There are others who think farmers should not go into insolvency at all. If clause three is objectionable to the majority of the

House, it is just as well that the committee should rise and waste no more time over the bill.

Hon. Mr. McKAY—While I am opposed to the bill I am decidedly averse to killing a measure in committee. It is an unmanly way of killing a bill. When it comes to the third reading I shall vote against it, but I am opposed to moving that the committee rise.

Hon. Mr. CLEMOW—It seems strange that after some 30 hon. gentlemen have been sitting on this bill for the last month to come now and say that the general principle of the measure is incorrect. I cannot understand a position of that kind, for the principle of the bill was affirmed at its second reading. I could understand the diversity of opinion on the details, but I cannot understand how a member of that committee can say now that the principle of the measure is not correct. I have taken strong ground from the beginning that the Act should not apply to farmers, and I stick to it yet. I do not think that farmers will take advantage of it, or that they require it. We pride ourselves on the position that our farmers occupy, and I do not think it is in their interest that this bill should be made applicable to them at all. If you say that this bill shall apply to traders and exclude farmers, will it not do all that you require, unless you want to go further and carry out the view of some hon. gentlemen that farmers should have the privilege (if privilege it be considered) of going into the bankruptcy court themselves? That is the debatable point. I took strong grounds against that at the beginning, and I take strong grounds against it now. I do not want farmers to be included under the provisions of this bill. I am not opposed to the general principle of the bill. If I were I would not have sat upon the committee or assisted in my humble way to make the bill as perfect as possible. I believe the bill is required in the interest of the commercial community, and if you do not pass it now you will find a hue and cry throughout the length and breadth of the country, as far as its commercial interests are concerned, which will be injurious to the prosperity of the Dominion. That is my opinion, and I speak by the book. I know there is a strong feeling on the part of the mercantile community in England that an Act of this kind should be passed, in order that they may know where they stand. At present there are different laws in different sections of the country, and the mercantile community of England do not know where they are. I do not want to deal with the general principle of the bill at the present time, I want to speak of details, and this is a detail on which we may differ, I want the bill to apply to traders only. What I want you to eliminate from it in every possible way, is the farmer. If the farmer leaves his occupation, of farming and becomes a trader, he comes under the Act, but not otherwise; the legitimate farmer does not require the Act. He should not give credit, and he will be the happiest man in the world if you exclude him from the operation of the bankruptcy law. I have had some experience of it, and I know what the circumstances are; I have talked with a great many farmers in this part of the country and they unanimously agree that they do not want such an Act at all. If we can agree on the question mooted by the hon. gentleman from Milton, let us do it and say that farmers shall not be included among those who are to be affected by the bill; then let us see if we can make it in the interest of all who are to be affected by it. That is a simple matter and I see no necessity of wasting time over it. We have made up our minds as to what is right and wrong. The bill is improved compared with the condition in which it was when introduced. I believe the country at large will consider it a good bill and will give the Senate credit for having passed it.

Hon. Mr. McKINDSEY—Probably it will be as well to let clause 2 stand for a time and discuss a great many other matters which will make the bill effective. In the meantime, to supplement what I said before, I will just make this motion which I think would have a tendency to test the question that has arisen. I move:

That the provisions of this Act shall apply to traders only, and that the bill shall be so amended.

That leaves the question open for the committee to define what a trader is, and in that definition we shall take in all those who are to be entitled to come under the provisions of the measure. To my mind that will settle this whole question.

Hon. Mr. MILLER—That might be moved in amendment to a clause.

Hon. Mr. McKINDSEY—While we are in committee we can define what the term "trader" shall include.

Hon. Mr. McCALLUM—If we exclude the farmers now, I do not see how we are going to take them in again. I would move, as far as I am concerned, that the Act shall not apply to anybody.

Hon. Mr. McKINDSEY—I said before that I was not in favour of farmers being included in this bill. I take that ground from a personal knowledge of the fact that the farmers do not want it, but if it is considered in the discussion before the committee that they are traders to a certain extent, you can define the word "trader" and draw in the farmer if you please.

Hon. Mr. MILLER—I see a difficulty in the motion. The hon. gentleman wishes to move that the operation of the bill be confined to traders only, and to test the sense of the committee by such a motion. I am afraid that motion will not test the sense of the committee. For instance, I do not know how my hon. friend will vote on that motion. He is opposed to an Insolvency Bill altogether. He would like to vote to strike out the farmers, but if he votes for that he will approve of the principle of an Insolvency Bill. There may be many others who are in the same position—who may not wish to commit themselves to the principle of insolvency as applicable to any class whatever. I think the leader of the House had better suggest some means by which the sense of the committee could be taken upon the classes to whom the bill should refer.

Hon. Mr. McKINDSEY—That will come afterwards on the definition of the word "trader." Take the whole bill, "this Act refers to traders as hereinafter defined, and traders including the several classes mentioned." Now, what I say is that in the definition of the word "trader" you can include these just the same as afterwards, and, as in the first bill, you can include the farmer in the resolution I have proposed.

Hon. Mr. SCOTT—I should like to ask the hon. gentleman if he proposes to be bound by the full effect of his motion? If so I shall support it. If he limits this bill to traders only I am with him, but if afterwards we are to allow the farmer to come in, making it optional with him to become insolvent, I am opposed to the principle altogether. That is the stand I took at the second reading of the bill. I said if you wish to avoid the difficulties take the English Act, which applies to all persons. If the House agrees to limit it to traders altogether, I am with the bill.

Hon. Sir FRANK SMITH—I do not like to see the word "trader" applied, inasmuch as there are a great many who have gone into speculations and have become deeply involved to whom the Act would not apply. If the bankruptcy law applies only to traders, such people are not traders, and will not be considered traders before the court. These people must either live under the hardship of their indebtedness or leave the country altogether. Now I consider the use of that word will not do what we expect this bill to accomplish; it will not be a relief to our people generally. There are many syndicates composed of people whose names are not mentioned at all who are heavily in debt. Those men will not be relieved by this bill. The word "trader" will keep those men out of the bankruptcy court, and they must eventually either make up their minds to remain under that hardship or go to some other country to live. I think the word "trader" ought not to be used. Although I have great respect for the hon. gentleman from Milton, I cannot agree with him on that. I think "debtor" will give much more relief and will be a better word to apply in the bill.

Hon. Mr. DICKEY—I should like to say that I think my hon. friend has perhaps not looked into the previous legislation on insolvency when he expresses so strong a dislike to the word "trader." It is the word that is used in almost all the Insolvency Acts. For example, the first Act we had in this country was in 1869, and the first clause of it was: "This Act shall apply to traders only." In 1875 it was found that the word "trader" would only include individuals, and therefore it was extended in this way: "This Act shall only apply to traders, trading corporations and companies," so as to include the individuals who went into companies and thought to escape liability in that

way, but that was all. Both bills excluded farmers, graziers and all these other people, and this bill for the first time includes everybody from the highest to the lowest.

Hon. Sir FRANK SMITH—Debtors, yes, and so it should include all kinds.

Hon. Mr. BOWELL—I would suggest in the first place to my hon. friend that both these clauses stand until we go into committee again, and that he could then consider the proper wording of any amendment which it is proposed to make to this portion of the bill. I do not exactly agree with my hon. friend from Richmond. I have often seen this occur, that members of Parliament or members of the Senate may be opposed to the general principle of a measure, but still amend it as far as they can to make it as innocuous and harmless as possible in its details, without being at all inconsistent with their attitude towards the Act. That is the view I take of the position of a member who is opposed to the general principles of any measure which may come before Parliament. The amended motion by the hon. member from Milton simply means this, that the operation of the bill shall be confined to traders only. If that carries, then it will be necessary to define what traders are, and that clause must be drafted in the plainest possible language, and if farmers are not included in that intrepretation, then it will not apply. If, however, we should declare by a vote of the House that a farmer is a trader within the meaning of the Insolvency Act, then he will be included in it as a trader. In the Act to which the hon. gentleman from Amherst referred there was a plain definition of what should be considered a trader within the Insolvency Act, and then there was another clause declaring who should not be considered traders, and among that class was the farmer. I make this suggestion in order to have it clearly before the House that the motion of the hon. gentleman from Milton should be that the operations of the Act should be confined to traders, and who traders shall be understood to be. Then go on and adopt the clause if you please that was in the original Act, defining what a trader was, or without changing the word trader, leave the bill as it is and declare that it should be confined to debtors, but that the debtors shall be, as was explained in the clause originally in the bill. That seems to me to be the practical way of arriving at a solution of this question. I need not say to the gentlemen with whom I discussed this matter individually before, that I am in favour of the original bill, so far as the two clauses are concerned. My hon. friend from Toronto is in favour of the bill, as originally introduced, that is, that it shall apply to all classes, adopting the principle which we find in the English Act, including all classes, farmers, traders or whoever they may be. We can do that, or we can go back to the principle of the Insolvency Acts of 1869 and 1875, and confine its operations to traders, define what traders are, and declare that any one else outside of that definition shall not take advantage of the Insolvency Act or be put into insolvency. That I take to be the opinion of my hon. friend from Milton, and I regret to have to believe it is the opinion of the majority of this Senate. I think it would be better if he would accept my suggestion, and, after this discussion, and a night's sleep, arrange a clause that would not interfere with the wording of the bill to any very great extent, but affirm the principle, if it be the wish of the Senate, and in making the motion that it be confined to traders, at the same time define what traders are. If he would do that, I think the next time we go into committee we could approach the subject much more intelligently and arrive at a conclusion much more quickly.

Hon. Mr. MILLER—The difficulty I have in this matter is this : If the course recommended by the leader of the House be adopted and the motion which he has suggested to the hon. member from Milton be placed before the committee, those gentlemen who are opposed to any Act of Insolvency will be placed in a false position and will not have an opportunity of expressing their views, and cannot vote one way or the other. The same difficulty will exist with regard to any affirmative motion in connection with the clause. I think you can only get at the clear opinion of the committee by a negative motion, and a simple negative motion, would very easily decide the sense of the committee in regard to farmers. I would leave it to my hon. friend to propose that this bill shall not apply to farmers and we will get that point settled at once and know where we are with regard to

a very important part of the discussion. An affirmative motion compels those who are opposed to any Insolvency Act not to vote at all, because neither side of the question will be in accordance with their views; but a negative proposition, to say that any class shall not be included in the bill, will enable every one to vote according to his conviction.

Hon. Mr. POWER.—As we have spent a considerable portion of this afternoon in discussing this matter, and as I think all have their minds made up, it would be just as well before six o'clock to take the sense of the committee on this question as to whether the bill shall apply to classes other than traders. I know it is not regular to refer to what takes place in a committee, but I may be excused if I do refer to what happened there. The committee by a vote of nearly two to one decided that the bill should not apply to classes other than traders; and then it was thought, in order to get the bill before the House in the way most pleasing to certain hon. gentlemen, we should let the vote be taken in the House. Everybody understands the question and we might as well have that matter settled to-day. The hon. member for Milton will excuse me for saying it, but I think if he had not interposed with his amendment to the 2nd clause we should by this time have had a division on the 3rd clause and have had the question settled.

Hon. Mr. MILLER—I shall move that this bill shall not apply to farmers.

Hon. Sir FRANK SMITH—Either making insolvency voluntary or otherwise?

Hon. Mr. MILLER—In any way.

Hon. Sir FRANK SMITH—Why should you do that? The farmers were excluded heretofore but we are bringing in a general bill now. We know there is hardship in our country owing to the speculations of our past years, and why should you not bring in the farmers? There are hundreds of farmers who have gone into speculations, for the sake of their sons perhaps, and they owe a certain amount on their farms. They might be able to stay here and make Canada their home if they were relieved in some way by this bill, which is intended to relieve the majority of our people. If you do not bring the farmer in, and if he is so in debt that he must sell his farm, he may have nothing left and go away to some other country to make a home for himself again.

Hon. Mr. KAULBACH—Our farmers are not in that state.

Hon. Sir FRANK SMITH—Why not leave it "debtor?" I tell you, hon. gentlemen, a great hardship will be inflicted upon a large portion of our people if you confine it to the trader; I am satisfied of that. I am satisfied as to the broker and the speculator, but others that we know nothing about are heavily in debt, and will not be included in this bill; and if you limit this Act to certain classes and exclude the majority of our people who have unfortunately got into debt, you are going to stultify everything that you have intended heretofore, and you leave a large portion of the people who will never be relieved. The intention was otherwise when you commenced this bankruptcy law. The intention was to say "debtor," but you have so many minds working on it that you have mixed up matters, and now you want to strike out the farmers and confine it to traders. As far as I am concerned—and I know a good deal of the hardships of our country at the present day—I shall never vote for the bill in that shape.

Hon. Mr. KAULBACH—I am sorry my hon. friend has stated that our farmers are in this depressed condition. I do not believe that my hon. friend believes that any class in this country is in that bankrupt condition which he represents the farmers to be in. What we require is legislation providing against preferential assignments, and providing for the equitable distribution of the estates of traders. I do not believe that the farmers are in the condition which the hon. gentleman has pictured. I know that in Nova Scotia the farmers do not understand why this bill should come into operation at all. They do not want to come under it; it is destroying their credit and ruining their credit all through the country, and they are declaring by letters that I have had from many of them, and by meetings called to discuss the question that they do not want the bill.

Hon. Mr. McCALLUM—I do not agree with the hon. member from Toronto. He

tells us that the farmers in many parts of the country have gone into debt to help their sons, and if we do not pass this Insolvency Act to allow them to take advantage of the bankruptcy law they will leave the country. If they pay 66 cents on the dollar—which they must do before they can get any release —and pay all the expenses, what will the farmer have left.

Hon. Sir FRANK SMITH—We will change that when it gets that far; we will alter that 66 cents provision.

Hon. Mr. McCALLUM—I take the bill as it is before the House.

Hon. Sir FRANK SMITH—We will try and reduce it to 50 cents.

Hon. Mr. McCALLUM—Then if the farmer pays 50 cents on the dollar and the expenses, he is able to pay in full.

Hon. Sir FRANK SMITH—He can pay 50 cents better than 66⅔ cents.

Hon. Mr. McCALLUM—My hon. friend altered the motion to exclude the farmers. I am opposed to insolvency altogether, knowing as I do that it is against the interests of the people of this country; and what am I going to do? If I vote to exclude the farmers, I suppose I am going as far as I can. I will vote to exclude the farmers and afterwards vote to exclude the others.

Hon. Mr. McKINDSEY—In view of the difference of opinion existing between the members of the Senate on the motion which I made, and being assured, as I am, that every hon. gentleman in this House is desirous of having this bill a perfect one irrespective of any feeling in this matter, and as it is almost six o'clock, I feel disposed to withdraw my motion in order to bring in to-morrow probably a more comprehensive amendment to this bill.

Hon. Mr. MILLER—I will withdraw my motion also.

Hon. Mr. POWER—The effect of that policy will be that, after having spent about an hour and a half to-day discussing the question, we will probably spend the same amount of time on it to-morrow. We had better settle this one point this afternoon. At any rate, I shall move this resolution to be submitted to the committee:

This Act shall not apply to any persons other than traders as hereinafter defined.

Hon. Mr. FERGUSON—Before a vote is taken on this question, I want to say two or three words with regard to including farmers under the provisions of the bill. I have listened very attentively to the remarks made by hon. gentlemen (and there have been many of them), on the subject of excluding farmers from the operation of this bill. If I am any judge at all, my conclusion is that the arguments which they have been using against including farmers in the operation of an Insolvency Act are very strong arguments against an Insolvency Act at all, because they have drawn no distinction or difference between farmers and traders that I can see. Why should not a farmer, who has suffered from bad crops, and losses through endorsing for his friends perhaps, or in buying or selling cattle as farmers in this country are obliged to do in the methods of farming which now prevail, and which must prevail in the future, be allowed to come under the Act? Why should farmers who, in the legitimate pursuit of their business as farmers, have got into debt through losses they cannot avoid, not be allowed to come in and get relief just the same as traders? If a farmer who suffers in this way from loss in the management of his business is to have no relief, while it is a gain to others, I must say there is very poor hope and encouragement to hold out for the farming classes. The hon. gentleman has spoken of the hopeful nature of farmers. Well, if we do not give farmers the relief which we are going to extend to coffee-house keepers, to keepers of saloons, and to a great many others, even to wharfingers, to a class comprising a very large number of callings, I must say we are going to pass a very one-sided measure indeed. I would not perhaps oppose that view so very strongly if there were some way of holding the bill down so that it would apply to some narrow class of traders. If that were possible I would not want farmers to come in more than others; such as coffee-house keepers, saloon keepers and keepers of livery stables; but if we are going to make the bill so comprehensive that it will include all these people, and if you are going, as the hon. gentleman from Richmond proposes, just to leave farmers

out, I think a very great mistake will be made. Hon. gentlemen laid stress on the fact that the farmers have not asked for this measure. I do not think traders generally have asked for either. The request for the bill has come largely from wholesale men and from the banking institutions of the country. A request has come from these people, and not so much from traders generally, and I dare say that the greatest anxiety to pass the bill is in the interest of this larger class of traders who will have the power under it of putting the smaller traders who deal with them into insolvency. But with regard to farmers, they are a class who are not able to come before Parliament or a committee of Parliament, as bankers have been able to do with their organization. The bankers have their president, and the president of the banking association of Canada came before us to represent their views. We had also solicitors representing these institutions. We had representatives of the boards of trade, and very properly—I find no fault at all with them for coming—but farmers do not possess any organization of that nature which would enable them to come before us and press their views.

Hon. Mr. POWER.—What about the Patrons of Industry ?

Hon. Mr. FERGUSON.—I dare say it will be found that the Patrons of Industry is an organization which is more political than agricultural or commercial in its aims and objects. The ground I take is this, that farmers have not been able to come to Parliament and present their special views in relation to this matter as the wholesale merchants, and bankers, and boards of trade, and such interests have. The only way in which their voices can be heard is through their representatives in this House and the House of Commons ; and their voices may not be heard a bit too powerfully in either branch of Parliament, for it is observed that commercial men and professional men through the means of their education and their influence and their intercourse with people, are much abler to find their way into Parliament than farmers, and consequently in representing farming constituencies it will be found that a great many of the representatives are commercial and professional men. I would venture the opinion with regard to these gentlemen representing farmers, although they may be excellent representatives, that when questions come up affecting the farmer and the commercial man, in the words of the old song, it will be found that their

" Heart 's in the highland wherever they go "

And it will be found that if the interests of farmers clash with the interests of commercial men, they will lean a little more strongly to the commercial side of the question. I wish to put my views on record on this subject. I am not very strongly in favour of an Insolvency Act. My only reason for supporting a bill at all would be that I think it is a pity that in this great Dominion of ours we cannot have a uniform law relating to trade and commerce. I think it is desirable, other things being equal, that we should get uniformity in our commercial law, so that merchants trading with their customers in any part of Canada would find that the same laws would govern transactions between them. It would simply make freer and safer trade. I am so far in favour of having uniformity in our commercial laws in relation to insolvency, but if that uniformity cannot be got unless by what looks somewhat like class legislation, by putting in some classes and leaving others out who are entitled to the same relief, I would be inclined to go against it altogether.

Hon. Mr. REESOR moved that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

Hon. Mr. READ, from the committee, reported progress and asked leave to sit again.

## BILLS INTRODUCED.

Bill (78) "An Act to incorporate the Metis, Matane and Gaspé Railway Company."—(Mr. Pelletier.)

Bill (59) "An Act respecting the Montreal Island Belt Line Railway Company." —(Mr. Bellerose.)

The Senate adjourned at 6.05.

## THE SENATE.

*Ottawa, Wednesday, 13th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## DILLON DIVORCE BILL.

MOTION.

Hon. Mr. CLEMOW moved :

That the Fourteenth Report of the Standing Committtee on Divorce on Bill (T) intituled: "An Act for the relief of James St. George Dillon," be taken in consideration by the Senate to-day.

He said : This motion was put on the Order paper on Monday and allowed to stand till to-day. It is merely to restore this bill to the Order paper. If it is restored to-day it will go to the foot of the list and be considered when it is reached. It cannot be considered until that is done.

Hon. Mr. ANGERS—I wish to draw the attention of the House to the fact that perhaps this notice is not quite sufficient. You will all recollect that there were two reports made upon this subject, one by the majority and one by the minority of the Divorce Committee, and that it was also agreed that in dealing with the one we should deal at the same time with the other. It is impossible to properly consider this majority report without it being accompanied by the minority report, and I think the hon. member for Rideau Division in moving to restore the matter to the Order paper, should have brought the whole of it back and not merely one portion. Consequently, I think the House might consider that the motion is not exactly what it should have been, to do justice to the case ; and, this present motion being irregular in so far as it is impossible for the House to deal fairly with the case, the question might be dropped and notice of a new motion, dealing with the question as it came before the House on a previous occasion might be given.

Hon. Mr. MILLER—I cannot agree with my hon. friend in the position which he has assumed, which I say, with all deference to him, is a most extraordinary one. What are the circumstances in connection with this matter? A report was made by the majority of the committee recommending the granting of a bill of divorce in the case. A minority report, signed by one member of the committee, was also made to the House. Both reports were before the House, and both were discussed, it is true, at the same time. There was, with regard to the minority report, a definite decision rejecting the report. I was not present at the vote. I have never yet voted on any of these divorce bills, but according to the minutes there was a vote on the minority report tantamount to its rejection. There was also a vote for the rejection of the majority report. It is true the discussion of both these reports was entertained at the same time, but it was impossible to decide them both by one vote. There were two distinct propositions before the House and they were dealt with as such when we came to the vote. That appears to me to be so clear that I do not understand how there is a possibility of any argument on the other side. Now, it is quite competent for any hon. gentleman interested in the minority report to make a motion similar to that which has been submitted by my hon. friend from Rideau, and have the reconsideration of that report also ; that is, if the motion were of the same character as the motion made in connection with the majority report. Now, with regard to the regularity of this motion—and I am speaking on this question solely with the view to see that the proceedings of this House are regular, because, as I said just now, I do not vote on these questions and do not intend to vote on the merits of the bill, but my sole interest is that the proceedings of the House may be regular, and that we may not have upon our minutes anything that would bring us into ridicule with regard to our knowledge of parliamentary practice. The hon. member from Barrie, as is shown at page 296 of the minutes of proceedings of this House, moved, on a certain occasion, that the majority report be now adopted ; that was negatived by a vote of 23 to 24. The question now is, can the matter be brought again before the House for consideration this session ? There is no doubt it can, because the vote on Mr. Gowan's motion was precisely similar to a vote on a motion that a bill be now read the first, second, or third time, which, if negatived, merely means that

the bill shall not be then read at the time of the motion the first, second or third time. Therefore, the only decision which this House has come to with regard to this majority report is that it should not be read upon the occasion upon which it was presented to the House. It is open now to my hon. friend to make the motion, which he has done, and place it upon the orders for a subsequent reading. I must say that the other day, when I heard his motion read, I was under the impression that it was his intention to move on this day for the further consideration of the report without first getting it on the orders, and I conceived then that he was pursuing a course which was not regular, but when I came to look more closely into his motion I found it was to place the report upon the orders and the consequence is, if you pass this motion, it will go at the foot of the orders of to-day. I think he might have taken some subsequent day, and had he done so the object of the motion would have been more clear to the House generally, because I have heard it said that because he has not moved to put the report on the orders for a certain day, his motion is not sufficient, if not altogether irregular. It would be as absurd to make such a motion as that, as it would be, in the case of a bill which had been rejected on a similar motion on the second reading, to say that it should be read a second time on such and such a day, and that it should be placed upon the Orders of the Day. Hon. gentlemen will see how unnecessary that would be. It is quite sufficient to move that it shall be read the second time, without adding to the motion that it be put on the Orders of the Day for that reading. There is nothing whatever irregular, that I can see, in its adoption. I certainly do not agree with my hon. friend on my left (Mr. Angers) that there is any irregularity in the motion which the hon. member for Rideau has put on the paper.

Hon. Mr. MACDONALD (B.C.)—How often can a report of this kind be recommitted? If once, why not any number of times and continue the discussion for many days.

Hon. Mr. MILLER—It can be brought up in this House as often as it is presented to the House under similar terms and conditions. If it was the desire of the majority of the House—and that is what those interested in the motion should have done but neglected to do—if it was the desire of the majority who were opposed to the report to get clear of it for the session, their simple course was to move that it be not considered then but that it be considered that day six months. That would have put an end to it for the session.

Hon. Mr. SCOTT—I quite agree with the hon. gentleman in the illustration he has given. But that word "now" is not in this report.

Hon. Mr. MILLER—It is in the motion made at page 296.

Hon. Mr. SCOTT—That is the motion for the adoption of the report.

Hon. Mr. MILLER—That is the motion that it is desired to get on the minutes again. The motion was that the report be now adopted. That was passed in the negative and if there is a majority desirous of placing it on the minutes it can be placed on the minutes again.

Hon. Mr. ANGERS—I agree with the doctrine laid down by the hon. gentleman from Richmond, that this report can be considered again, from the very fact that when the hon. gentleman from Barrie moved he did not move the right motion but moved in a manner that allows the case to be brought up again. The proper and usual motion should be that the report be concurred in. Instead of that, unfortunately it was made verbally, and the minutes read that, "the report of the majority be adopted now."

Hon. Mr. MILLER—There are the minutes to show it.

Hon. Mr. ANGERS—The minutes are in that sense. The motion should have been that the report be concurred in. Then, if being voted down, it could never have come up again during the same session. It could only be dealt with on a future occasion when another bill would be brought in. The hon. gentleman stated that the minority report had been rejected. No such proceeding was adopted by the House. The minority report was never rejected. There was never a motion made to have it accepted. There was an amend-

ment proposed to this House which indirectly referred to this minority report. The amendment was to the effect that the majority report be not concurred in but that the said report be sent back to the Committee on Divorce with the minority report and that the question recited in that amendment be put and all further questions pertinent to the premises. That was not rejecting the minority report. The House was never called on to accept or reject the minority report.

Hon. Mr. MILLER—Did not the motion refer to the report, and virtually defeat it?

Hon. Mr. ANGERS—No. You cannot infer from the fact that the motion was not accepted that the minority report was accepted or rejected. The House never dealt with it at all. That is my point. I do not dispute the right to bring up the question again. It is according to all the rules laid down that when the House decides that a question shall not be disposed of now, it can be brought up at any further day during that very same session, but what I dispute as to the correctness of the present notice is that, after the House had given the order that the majority report and the minority report be consolidated for the purpose of consideration, this notice does not include the two reports.

Hon. Mr. MILLER—The minutes show nothing of consolidation.

Hon. Mr ANGERS—There was not an order on the paper, but there was an agreement in the House which nobody disputed that when we considered the majority report we should also consider the minority report, and at the request of the hon. gentleman from De Lanaudiére it was agreed that both reports should be considered together. My objection is not a technical one, but it is one that goes to show that the hon. member for Rideau division, in moving to consider the majority report, has not put the House in a position to deal fully and clearly with the question which is to be considered—that he should have also when moving to bring up the majority report, moved to bring up its incident, the minority report, because the House cannot be properly informed about the case which it is to decide upon without having both reports before it. I know that the hon. member for Rideau division does not wish to place the question improperly before the House. I am satisfied that it is an omission, and that is why I ask his consent and approval in the matter, and I say perhaps it would be better that he should drop this notice now and give a notice on some other day which will bring the case before the Senate in a fair and square manner. Let us drop it for to-day. There is lots of time before us yet, because it is insinuated on many occasions that we are to be here until September, and if so we shall have ample time to consider the question.

Hon. Mr. MILLER—I did not think, until I heard the hon. Minister of Agriculture, that his case was really so weak as it is. Now what are the facts? The friends of the minority report have dropped it.

Hon. Mr. ANGERS—Oh no.

Hon. Mr. MILLER—It is dropped from the minutes. They made no attempt to take a vote in the House upon it and the dropping of the report is worse even than a vote of the House against it. Under any circumstances I consider the case is weaker from the fact that the minority report had been completely dropped by its friends and no attempt has been made to continue it on the Orders of the Day. There were two distinct reports on the same subject coming from the same committee at the same time, and while an understanding to discuss them together may have been quite in accordance with the parliamentary rules, I don't see how they could have been consolidated—How you could vote yea or nay at the same time, is a thing I cannot understand. One is a direct affirmative proposition, the other is a direct negative proposition. That you can unite those two, the negative proposition and the affirmative proposition, and vote upon them as one proposition as something which transcends my powers of comprehension. Besides, if any agreement made to consider the two reports together were regular, it could only refer to the motions when before the House. The present motion is a new departure and cannot be clogged by any agreement on the previous motions. I think the motion is quite sufficient and regular, and we had better get rid of the question as it is now before us, and be done with it. It has occupied more time than it should already, and even if we stay here

until Christmas, it is unnecessary to throw away so much time on a question which is not deserving of our attention, to the exclusion of our more important legislative duties.

Hon. Mr. MASSON—It was not only understood between the members of the House that the two questions were to be considered as one to all intents and purposes, but if you will refer to page 334 of the Minutes of Proceedings you will find an exception made to the usual rule. The second order is to resume the further adjourned debate on the motion of Mr. Gowan, and the phrase finishes " and the consideration of the minority report, etc." It is put in our own minutes. It was not merely a tacit understanding, but an order given to the Clerk, with the authority of the House, that the two motions were to be considered as one—not as a question of courtesy to anybody, but as a question of right, and the proof of it is that an exception is made in the form of giving the notice. It proves clearly that the two are to be considered as one, and I am surprised at the hon. gentleman from Richmond finding fault with the Minister of Agriculture for the views he has expressed on this question. I should consider the question was not fairly put before the House if both reports were not restored to the orders. There is no reason why we should not consider the two together when it was understood that we should from the first.

Hon. Sir FRANK SMITH—This is first time since I entered the House that I have had anything to say on matters of this kind. It is not my intention to vote for this bill of divorce, but from the efforts that I see in this House to shut the gates of this court against certain subjects of Her Majesty, I think it is my duty to enable them if it is in my power to have their bill disposed of on the present occasion. As a member of a church that does not approve of divorce I have no right to take any part whatever in the settlement of such affairs. When people come to this court to ask for a divorce no question should be put to them to ascertain to what persuasion they belong. It is a court for the general benefit of the subjects of Her Majesty, and I for one, while not approving of divorce, will not sit here and deprive a man who is seeking for this relief of any fair-play that he is entitled to in this House. I intend to vote that the matter be restored to the orders. The case of the hon. gentleman from Quebec cannot be so strong as he thought when he had to admit that there was some difference of opinion, and that the proper motion was not made. If that be the case, then allow the motion to be amended and let us have the bill disposed of now.

Hon. Mr. BELLEROSE—It was I who raised the question as to the minority report, and it is I who asked that the two be made one item on the Orders of the Day. What was the reason? It was because if the report of the minority were not discussed along with the other, it would preclude members in the course of the debate from referring to what had passed in the committee. Every member of this House knows that you cannot refer to what has passed in a committee, and that is why I asked that the minority report be taken up with the other. Now, if it was right that the House should order the two reports to be made one, is there not the same reason to-day, when you have to discuss the same question over again, to have the report of the minority accompany the majority report? The argument of the hon. member from Mille Isles is very good, because the Minutes show that the House ordered the two reports to be considered together; but even if they did not, it is only necessary to show that the minority report must be put before the House in order to properly discuss the whole matter that arose in the committee, a portion of which is narrated in the report of the majority and a portion in the report of the minority. I submit that the Minister of Agriculture was perfectly right, although I might say I did not think of raising the question myself, but since it has been raised we have to discuss the question as it stands. If we decide against his contention we will decide contrary to what we have been doing heretofore.

Hon. Mr. POWER—Technically and strictly the hon. member from Richmond is correct, but we do not rely very strongly on technicalities in this House, and the hon. member for Rideau would be certainly doing nothing but an act of ordinary courtesy in complying with the request of the hon. Minister of Agriculture so that the whole subject might come up before the House at the same time.

Hon. Mr. ANGERS—That is the ground of my request.

Hon. Mr. POWER—The hon. gentleman did not claim this as a right, but asked it as a courtesy from the hon. member for Rideau, and I shall be surprised if the hon. gentleman declines to comply with the request of the Minister, because it does not materially alter the position of the report of the majority. There is one thing I should like to refer to, which fell from the hon. gentleman from Richmond. He said that the report of the minority was completely out of the hands of the House. Now, I cannot quite understand how that may be. Those two reports were before the House on a certain occasion. The report of the minority was not dealt with by the House at all. The report of the majority was rejected. I cannot understand how any one can claim that a report which was rejected is in a better position than one which has not been rejected. Of course the mistake that was made is that some hon. gentleman who was in favour of adopting the minority report did not put a notice on the paper, and the hon. Minister of Agriculture simply asks the hon. gentleman for Rideau division to be good enough to remedy that neglect. If the hon. gentleman should decline, then there is nothing at all to hinder the hon. Minister of Agriculture from moving an amendment to the effect that the minority report be reinstated on the Order paper also.

Hon. Mr. VIDAL—A great deal of time has been lost quite unnecessarily. I happen to know that the hon. member from Rideau division has before him an amended motion actually doing the very thing that all this discussion has arisen about, and that it was not his intention or design to exclude the discussion of the minority report. He thought a reconsideration of the matter would bring up the whole question again. There was no intention or thought whatever of keeping anything out, and it is merely a question whether it is worth while insisting upon what really is technically correct, that the resolution should mention both reports.

Hon. Mr. KAULBACH—I quite understood that that was the case, that the hon-member from Rideau intended by the motion that both the majority report and the minority report should be taken into consideration. From my conversation with him I understood that that was his intention, and that it was the wish of the House. Further than that, when the debate came up on these motions and the hon. member from Barrie had made his speech, the very first remark I made was this—"I presume it will be understood in this discussion that both the minority and the majority reports are to be considered at the same time" The reply to that was, "yes, they are both before the House." I thought it was understood throughout that they were to be taken as one and considered together. I am sure the hon. member from Rideau division will do as he intended to do and put his motion so that we will have it all before the House together,. and allow no one to be able to have undue advantage by a quibble.

Hon. Mr. CLEMOW—I intended it to be taken up as one report. If you will refer to the discussion, page 340, you will find that they are referred to as one report, and I would have put in my motion more fully the other day if it had not been considered quite sufficient as it stood. If it is not sufficient, I am quite prepared to put in another notice covering the whole ground.

Hon. Mr. REESOR—The House will consent, I am sure, unanimously, to consider both reports.

Hon. Mr. McINNES (B. C.)—I wish to call attention to two or three paragraphs on page 340. They are as follows :—

The Order of the Day being read for resuming the further adjourned debate on the motion of the Hon. Mr. Gowan for the adoption of the fourteenth report of the Standing Committee on Divorce on the Bill (T) intituled : "An Act for the relief of James St. George Dillon"—and also on the minority report of the same committee on the said bill ;

The Hon. Mr. Landry moved, in amendment, seconded by the Hon. Mr. Dickey,

That the said report of the majority be not concurred in, and that the same with the report of the minority be recommitted to the Standing Committee on Divorce, with instructions to the said committee to put to the petitioner James St. George Dillon, of the city of Montreal, merchant, the question mentioned in the report of the minority, to wit :—

"Have you been faithful to your marriage vows as far as adultery is concerned up to the time you instituted proceedings for divorce?" and further questions on the subject which may be necessary to get at the truth, and also all further questions which may be pertinent in the premises."

Now, hon. gentlemen will observe that that was the motion of the Hon. Mr. Landry,

and that motion was to refer back the report to the committee again. That is, with instructions to carry out the substance of the minority report. The House in its wisdom rejected that by a vote of 22 to 25. If that does not dispose of the minority report, I must confess I fail to understand ordinary plain English language. It is plain as possible that the report of the minority was disposed of then and there. The next question came on the majority report, and the majority report was rejected, the yeas being 23 and the nays 24, so that I claim there is nothing before the House but the majority report.

Hon. Mr. BOWELL—I think it better that we should dispose of this matter at once, and with the consent of the House the hon. gentleman might perhaps be permitted to amend his motion, so as to avoid the difficulties which have arisen, by putting in these words "and the minority report thereon." That would meet the objection taken by my hon. friend on my right (Mr. Angers) and others who have spoken. The motion would then read in this way :

That the 14th report of the Standing Committee on Divorce on Bill (T) "An Act for the relief of James St. George Dillon," and the minority report thereon, be taken into consideration by the Senate to-morrow.

Hon. Mr. KIRCHHOFFER—I think the House would concur in that unanimously if the debate were brought on to-day. A great many members have attended for the purpose of being present at the debate to-day and they may not be here to-morrow. I think it would be a fair compromise to bring on the debate to-day.

Hon. Mr. CLEMOW—If it carries to-day it would be put at the bottom of the list and would hardly be reached to-day.

Hon. Mr. KIRCHHOFFER—Take it in its order now.

Hon. Mr. CLEMOW—It must go to the bottom of the orders. I ask leave of the House to amend my motion in that way, including the minority report.

Hon. Mr. KAULBACH—I shall certainly object to that and I think the House will not be disposed to vote in favour of that motion.

Hon. Mr. CLEMOW—I thought you recommended that ?

Hon. Mr. KAULBACH—I decidedly object to the motion to bring it on the Order paper. I have a right to make my objection to the whole motion. I contend that although technically we could place it on the Order paper, yet it is a question for the House whether they will put it on the Order paper to be discussed. I agree to amend the motion, but do not agree to the effect of the motion. While I agree that we would be technically right in putting it on the Order paper with the vote of the majority, yet I ask this House if it is reasonable and right, after 3 or 4 days and a night attending here discussing the merits of this motion, under the two reports from the committee, that we should stultify ourselves by having it reconsidered. There never, probably, was a question in this House, certainly none of that character, which was so fully discussed and debated. It was no snap voting, as some might say, but a deliberate voting by as large a number present as usual at a vote in this House. This motion now brings up the same matter again, with the same scope and in a same manner, for what else, but that more strenuous lobbying may change the vote. I hope this House will not, by any motion, allow themselves to be placed in the position of having recorded contradictory decisions upon the same subject. On principle it should not be done. If that rule is adopted we could bring up any question time and again. I consider it would be unseemly and not in the interest of proper legislation. I believe the matter has been so thoroughly ventilated and decided by the majority of the House that it should not be brought up again, because it is a similar motion to the one we decided by a majority of this House. If that be allowed, when will we have an end of decisions on the same matter ? I hope the House will stand by the vote given here on the occasion when it was brought up before, and not stultify itself by contradicting the decision on that motion.

Hon. Mr. SCOTT—I think we all feel that it is desirable to dispose of this matter, and acting on the express opinion of several hon. gentlemen, in order that it may not come up on another day, I shall move that the fourteenth report of the Standing Com-

mittee on Divorce be taken into consideration this day three months. Under the ruling, supposing this original motion were negatived to-day, it could be brought up at any future time.

Hon. Mr. BOWELL—Yes.

Hon. Mr. SCOTT—We are all interested in disposing of it.

Hon. Mr. BOWELL—Then you can negative it.

Hon. Mr. SCOTT—If it is simply negatived now, another notice may be given and so we may be perpetually voting on it.

Hon Mr. BOWELL—You must know that you cannot move a three months' hoist to a motion which is not before the House. If that motion is carried then you might move the six months' hoist.

Hon. Mr. DICKEY—As I understand it, without going into the past at all, the hon. gentleman who has charge of the bill proposed to amend his motion and give this as a notice of motion for to-morrow, so that we must all acknowledge that the gentleman in charge of the bill was disposed to act with courtesy to the House and give them the opportunity of considering it, because, after all, the motion is only that we shall reconsider this question. I think it would be very inconvenient, upon a mere notice of motion, to anticipate a matter which is to be considered on a future day—that we should have a discussion now upon the very principle of the motion itself. I give my hon. friend credit for having taken the right course, but it seems that hon. gentlemen on this side of the House who are anxious to have this bill pass, insist that it should be considered to-day. If the motion is passed, I take it for granted that the order will go to the foot of the list and cannot be considered until the whole business of to-day is disposed of. Therefore, I think it would have been better if we had allowed the hon. gentleman who has charge of this bill to have his own way and do the correct thing, which was to give the notice that the amended motion be considered to-morrow.

Hon. Mr. MASSON—I think the hon. member from Ottawa will not be justified in moving that the report be considered six months hence, because the question is simply on this motion. The only motion he could make to-day would be to insert "this day three months," and that would throw the whole thing over.

Hon. Mr. SCOTT—Yes.

Hon. Mr. ANGERS—The motion is premature.

Hon. Mr. SCOTT—I certainly do not see any objection to my motion, which says that the report of the committee shall be put on the order paper three months hence.

Hon. Mr. BOWELL—What I understood the hon. gentleman to propose was that the report be considered this day six months. You are right as to that.

Hon. Mr. SCOTT—I therefore move an amendment to strike out the word "to-day" and substitute the words "three months hence"; that would dispose of it.

Hon. Mr. BOULTON—I wish to move an amendment to that amendment—that the report be not considered this day three months, but that it be considered on Tuesday next. I would like to say a word in support of the motion. On Friday we hope to have a rifle match between the Commons and the Senate, and, therefore, I would not be able to be present on Friday, and many members leave for Montreal and do not return until Monday evening, and, therefore, if it were put on the Order paper to-day at the bottom of the list it might come up on Friday, when many of us would not be able to be present.

Hon. Mr. McKAY—I think the motion made by the last speaker is out of order, because it has reference to the report of the committee and not to the motion before the House, which is to have the matter put on Orders of the Day.

Hon. Mr. BOULTON—I will withdraw the motion.

The House divided on the amendment which was lost on the following vote:

CONTENTS.

Hon. Messrs.

| | |
|---|---|
| Angers, | Masson, |
| Armand, | Montplaisir, |
| Bellerose, | O'Donohoe, |
| Bernier, | Pelletier, |
| Boucherville, de | Poirier, |

Casgrain, Chaffers, De Blois, Dickey, Kaulbach, Landry, Macdonald (P.E.I.), Power, Robitaille, Ross (Speaker), Scott, Tassé, Thibaudeau.—23.

NON-CONTENTS.

Hon. Messrs.

Allan, Almon, Boulton, Bowell, Clemow, Cochrane, Ferguson (Queen's, P.E.I.), Glasier, Kirchhoffer, McCallum, McClelan, McInnes (Victoria), McKay, McKindsey, McLaren, MacInnes (Burlington), Mernier, Ogilvie, Primrose, Prowse, Read (Quinté) Reesor, Reid (Cariboo), Sanford, Smith (Sir Frank), Snowball, Sutherland, Vidal, Wark.—29.

The original motion was carried on the same division.

## THIRD READINGS.

Bill (27) "An Act respecting the Dominion Burglary Guarantee Company (Limited)."—(Mr. McMillan.)

Bill (42) "An Act to incorporate the Canadian Railway Fire Insurance Company."—(Mr. Clemow.)

Bill (62) "An Act respecting the Richelieu and Ontario Navigation Company."—(Mr. Ogilvie.)

Bill (36) "An Act to incorporate the Canadian Railway Accident Insurance Company."—(Mr. Clemow.)

Bill (51) "An Act to incorporate the Northern Life Assurance Company of Canada."—(Mr. Power.)

Bill (38) "An Act respecting the Ontario Mutual Life Assurance Company."—(Mr. Merner.)

Bill (41) "An Act to amend the Acts respecting the Clifton Suspension Bridge Company."—(Mr. Clemow.)

Bill (DD) "An Act respecting the Canada Southern Railway."—(Mr. MacInnes, Burlington.)

Bill (65) "An Act to confirm an agreement between the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company, and an agreement between the said companies and the Corporation of the City of Ottawa, to unite the said companies under the name of 'The Ottawa Electric Railway Company.'"—(Mr. Clemow.)

Bill (60) "An Act to incorporate the Cariboo Railway Company."—(Mr. Reid, Cariboo.)

## TRUST CORPORATION OF CANADA BILL.

CONSIDERATION OF AMENDMENTS POSTPONED.

The Order of the Day being read,

Consideration of amendments made by the Committee to (Bill D) "An Act to incorporate The Trust Corporation of Canada."

Hon. Mr. ALLAN—I see that this bill stands in my name, although, as I explained the other day, I have nothing to do with it except that I was chairman of the committee to whom it was referred. Although some of the amendments which were made, if I may say so without impropriety, seem to be of the most trifling character, yet there are one or two which I do not like to take the responsibility of assenting to without knowing whether those interested in the bill desire to have them passed. I will, therefore, take what I think is the best course, and move that the Order of the Day be discharged and the amendment be taken into consideration on Thursday of next week.

The motion was agreed to.

## THE LIBRARY OF PARLIAMENT.

MOTION.

Hon. Mr. ALLAN moved the adoption of the second report of the joint committee of both Houses on the library of Parliament. He said: As this report is printed in full in the minutes, I have no doubt that hon. gentlemen are fully acquainted with its contents. It recommends the erection of some memorial to record the fact that the "Royal William," a Canadian steamer, sent from the port of Quebec, was the first steam vessel that ever crossed the Atlantic. Such an event should not be allowed to become totally forgotten, and the proposal contained in the report of the committee is one which should be adopted. A similar report has been presented to the House of Commons, and I am given to understand that it will be

adopted there without any opposition whatever.

The motion was agreed to.

## INCORPORATION AND REGULATION OF JOINT STOCK COMPANIES BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (EE) "An Act respecting the Incorporation and Regulation of Joint Stock Companies." He said: I wish to explain wherein this bill differs from the Acts on the Statute-book. The bill as framed, does not affect companies already incorporated, but is intended to apply to companies hereafter incorporated. It does not in any way affect those which are now in existence. The general plan of the bill is the same as that of the English Companies Act, 1862, and subsequent amendments thereto. I may state that it provides a much more simple mode than the present one of obtaining a charter under our Act. There is one important difference, however, that, while the English Act deals with three classes of companies, viz.: 1. Companies limited by shares; 2. Companies limited by guarantee; 3. Unlimited liability companies; the present bill deals with companies limited by shares only, companies limited by guarantee and unlimited liability companies are not dealt with in the present bill. Many of the provisions of the existing Act have been retained. Following the plan of the English Act, a registration office is established, the Deputy Minister of Finance to be *ex officio* registrar of joint stock companies, and proceedings for incorporation are taken and carried on through the office of the registrar with right of appeal to the Treasury Board, in all cases where the persons interested are dissatisfied with the rulings of the registrar. A memorandum of association stating the object of a company and articles of association containing regulations or by-laws for the management of the companies' affairs take the place of the petition to the Governor in Council in use under the existing Act, and a certificate of incorporation issued by the registrar takes the place of the letters patent now issued. Proceedings will thus be considerably simplified. The number of applicants necessary to obtain incorporation has been increased from 5 to 7, and provisions have been introduced limiting the purposes for which incorporation may be granted. Omnibus charters, such as were at one time issued under the present Act are prohibited, and provisions have been introduced with the object of preventing, as far as possible, the formation of fraudulent companies.

Annual statements of the condition, assets and liabilities of companies are to be sent under oath to the registrar, and to be there open to the inspection of the public. There is no similar provision in the present Act. The bill also provides under certain conditions for the appointment by the Treasury Board, of inspectors to examine and report upon the affairs of companies incorporated under this Act, should it be deemed necessary. When further powers are desired, or when a company desires to decrease its capital, more stringent provisions than at present exist have been introduced in order that the rights of creditors and others whose interests might be affected may be duly protected. The bill also contains provisions prohibiting the watering of stock, and other like practices which it is hoped may prove effectual for the purposes intended. At present no means exists by which a company may be wound up voluntarily, as cases arise from time to time where solvent companies desire to go into liquidation, provision has been made in the Act for the winding up of companies incorporated thereunder without the necessity of applying under the winding up Act as must now be done. The provisions as to loan companies are in substance the same as now in force under the Companies Act, chapter 119, Revised Statutes of Canada, and amending Acts. The schedule of the Act contains regulations for the management of a company, and intended to apply to all companies, where no other regulations are provided for. The points referred to constitute the principal differences between the existing law and the proposed new law. The provisions of the existing law have been retained as far as possible, and where the provisions of the English Act have been adopted, the phraseology has been followed as nearly as circumstances would permit. By way of illustrating the simplicity of the procedure under this bill, as compared with that under the existing Act, I may point out that parties desiring to obtain a charter under the present law must, 1st. Petition to be sent to Secretary of State. 2nd. Secretary of State

sends it to Justice Department. 3rd. Justice Department examines petition and returns to Secretary of State. 4th. Secretary of State enters it in a book and sends to Finance Department. 5th. Finance Department examines papers and returns to Secretary of State with report. 6th. If approved by Justice and Finance Departments, Secretary of State prepares a report to Council. 7th. If Council approves, reports returned to Secretary of State. 8th. Secretary of State sends to Justice to prepare draft of Letters Patent. 9th. Justice prepares draft of Letters Patent and sends to Secretary of State. 10th. Secretary of State engrosses draft, signs it and publishes in Official Gazette. After all that has been done, the parties desiring incorporation, can go to work. The bill before the House simply requires the following:—1. Incorporators prepare statement showing objects of incoporation, names of incorporators, capital, etc. 2. Send it to Finance Department, where papers are examined by the registrar, and if found in accordance with law, a certificate of incorporation is issued, and notice sent to Official Gazette, and the work is completed. The present law facilitates the formation of bogus companies, whose object is to sell their charters. This bill is framed upon the lines of the English Act, which is more workable than ours, being less cumbersome in its details, and provides effectual checks against chartering of bogus companies.

Hon. Mr. SCOTT—I presume it is 50 per cent of the whole capital that has to to be subscribed. What amount has to be paid in on that?

Hon. Mr. BOWELL—I am not prepared at this moment to say; that will depend upon circumstances. I was merely giving the provisions of the bill, showing how it differed from the old Act and the advantages which it is believed will accrue not only to the incorporators but to the company in so amending the Act. The point asked by my hon. friend from Ottawa I am not just now prepared to answer, but that can be considered when we reach to the clause. I would say that the detention which very often takes place in the securing of letters patent to carry on any business is very embarrasing to those who are interested. Any one who knows anything of our system of government can easily understand that there might not be a meeting of the council for some little time, and it might also happen during the summer season that some of the Ministers, who have special charge of the work, would be away from the capital, and I have known months to elapse going through all this red tapism before letters patent for an Act of incorporation could be obtained. Now, under this bill it can be done very simply and the parties seeking the incorporation, if dissatisfied with the ruling or opinions given by the registrar, can appeal to the Treasury Board, a sub-committee of council which is composed, as many members know, of the Finance Minister, the Minister of Justice, the Postmaster General, the Minister of Trade and Commerce, the Minister of Public Works, and the Minister of Inland Revenue; so that that would be a board of appeal. I think the bill will be of advantage to the country, particularly as we propose to increase the fees materially.

Hon. Mr. SCOTT—Less work to be done but more money to be charged.

Hon. Mr. BOWELL—Less work to be done, with more money to the treasury of the country. It costs in England to obtain letters patent, such as you can obtain in Canada, sometimes £500 and £600 and £1,000. I could give an illustration of the large amount of money it cost some gentlemen in Nova Scotia. They had to apply to England for Acts of incorporation to carry on their business through the Empire generally, because this Parliament refused them an Act, and they took the opportunity of going to England to obtain it. The gentleman told me it cost £600 sterling. We do not propose, however, to put it as high as that.

Hon. Mr. SCOTT—I understand the bill does not affect existing companies.

Hon. Mr. BOWELL—No, not in any way.

Hon. Mr. SCOTT—It only applies to companies hereafter incorporated. I have not had the opportunity of looking into it, but from the remarks of the hon. leader of the House, I notice that there are some good features in it. I think the proposal to limit companies to the legitimate business they propose undertaking is a good one, and the propriety of making returns is a very proper one. These public companies ought to be

obliged to make returns so that we should know exactly what they are doing. When the bill goes before a committee of the whole House, there may be clauses to which it will be necessary to call attention.

Hon. Mr. POWER—I endorse the observations of the hon. gentleman from Ottawa, and I would ask the Minister to consider the propriety of extending the provisions of this bill—that is, the provisions which do not relate to the incorporation of companies, to companies which are now in operation, the provisions with respect to the liquidation of companies and so on. I cannot see that there is any special objection to applying those provisions to existing companies. The Minister will readily understand that it is objectionable that there shall be two laws applying to joint stock companies, and that if one wishes to know which law applies to a given company, he has to ascertain whether that company was incorporated before or after the passing of this Act. Of course the provisions with respect to incorporation could not apply to companies already incorporated, but I really do not see why the other provisions should not apply to such companies.

Hon. Mr. CLEMOW—It would be a difficult thing if all the provisions applied to incorporated companies, which enjoy certain privileges under their charters. If this bill materially alters those rights it would cause some difficulty. I hope the returns will be made in a satisfactory manner. I know that some returns made by companies are perfectly useless. I hope they will conform with what is generally required of joint stock companies.

Hon. Mr. POWER—I should like to ask why the companies who have been in operation and are not making satisfactory returns, should not be obliged to do so.

Hon. Mr. CLEMOW—I suppose they are. A great many companies do not make any returns at all, and the information obtained in the reports from joint stock companies in Ontario is of no benefit at all. I have not read the bill yet, but I hope they are making an improvement in the right direction.

Hon. Mr. KAULBACH—Are not the forms of returns of companies now in existence made to conform with those laid down in this bill? I think they ought to.

Hon. Mr. BOWELL—This bill does not affect, and will not affect if passed as it is introduced, any company now in existence by any of its provisions. The suggestion made by the hon. gentleman from Halifax is worthy of consideration. As I understand his suggestion, he does not propose to interfere with any of the powers given under their own acts, and power should be given them to wind up their business under this bill which does not exist now. For instance, a solvent company desiring to end its business can enter into liquidation, make a disposition of all its property and wind up its business. At present I will retain the bill as it stands, but the provision as to the bill affecting only companies organized is worthy of consideration. The forms in this bill would not apply to old companies. That, however, is worthy of consideration as to whether these forms are more perfect and give more information, and it may be desirable to make it apply to existing companies.

The motion was agreed to, and the bill was read the second time.

## GENERAL INSPECTION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (125) "An Act further to amend the General Inspection Act."

(In the Committee.)

On the second clause,

Hon. Mr. BOWELL—I am of opinion that on reading this bill carefully the House will find that it is not subject to so many objections as were raised when it was last under consideration. By looking at the Act it will be observed that the grades of hay are defined. I am going to suggest that the word "hay" be struck out. Then the grade prime timothy shall be "pure timothy, perfect colour, sound and well cured," so that if a bundle of hay when it goes into the market be branded or ticketed "prime timothy," it would be understood what is meant by this interpretation, because that brand will have to be pure timothy, perfect in colour, sound and well cured. I have not been able, I confess, to suggest anything to meet the views of the hon. member for Quinté as to what con-

stitutes colour. Then, if you look at No. 2, or the second clause, No. 1 timothy shall be timothy, if not more than one-third of clover or other tame grasses, and so on all through.

Hon. Mr. POWER—One-eighth.

Hon. Mr. BOWELL—Then you come to a grade which will be marked "no grade." That says it shall include all kinds of hay badly cured, stained, or out of condition. Now I come to the grade which is termed "shipping grade," to which the hon. member from Halifax called special attention, and it is worded in such a way that it would be very difficult to really understand it unless you read it very critically, but I think it can be amended so as to be understood better in this way: "Shipping grade" shall be hay in good condition, pressed, sound and well-cured." That is striking out "regular shipping," and the word "hay." So that any hay that is branded "shipping grade" would be hay in good condition, pressed, sound and well-cured. To meet the suggestions made by our Maritime Province friends, I have another grade which may or may not be adopted. If it does not cover the class of hay to which they refer, which is grown upon the marsh or dyke lands, I shall be very glad to change it in order to meet their views. It reads in this way: "dyke hay shall be sound and well-cured hay grown upon dyke lands subject to overflow by the sea."

Hon. Mr. KAULBACH—Dyke lands are never overflowed by the sea.

Hon. Mr. BOWELL—I have been told that when the sluice ways or gates are open it allows the tide to flow in. I shall be glad to accept any wording which shall meet their views if they are of the opinion that the clauses, which provide for different grades composed of timothy, clover, or other tame grasses, do not cover that particular grade. But the marsh hay would not be a tame grass. Before we discuss the different grades seriatim, I will call the attention of the House to the provisions of the General Inspection Act. Clause 14 gives the Governor in Council power from time to time to make any regulations necessary to carry out the provisions of the Act, and it goes further; it enables them to change the different grades either of wheat or any other grain and also of hay in the future should it be found that the interpretation given to these grades is not correct and should be changed, the Governor in Council have the full power to change it, and they also have the power to declare the manner and mode in which the inspection shall take place. I now move the adoption of the second section by striking out the word "hay" in the 12th line.

Hon. Mr. DICKEY—There is an added clause "dyke hay shall be sound and well-cured hay grown upon the dyke lands subject to overflow from the sea." That gives an entirely incorrect idea. It is not subject to overflow because it is dyked, but it is reclaimed from the sea, and therefore it should read in this way "dyke hay shall be sound and well-cured hay grown upon dyke land reclaimed from the sea."

Hon. Mr. BOWELL—I have no objection to that.

Hon. Mr. DICKEY—In order that it may be made intelligible to hon. gentlemen who are not familiar with the country where the dyke lands exist, I might say that outside of this dyke there is a large portion of land which produces another inferior class of hay which is only used for feeding young stock, and which is subject to overflow by the sea at the spring tide. That is a different kind of thing, and it is not a merchantable article at all.

Hon. Mr. POWER—Hon. gentlemen who are familiar with this hay told us when this bill was before the committee that the hay on the marshes was generally mixed in its character. There was some timothy, very little clover as a rule, and some grass which an hon. gentleman called couch grass. At one time timothy and clover were almost the only kinds of hay which were grown, but, with the progress of the farmers in the way of knowledge, other kinds of hay have been introduced, and it occurs to me that it would be better to establish a grade of hay which would include hay other than that grown on marshes, and I would suggest some definition such as this:

Mixed hay shall be hay which does not come under the description of timothy or clover, and which is in good condition, sound and well cured.

I wish to insert that under No. 2 clover.

Hon. Mr. DEVER—There is a vast quantity of hay on the river marshes in New Brunswick, and it would not come under the description of dyke hay. It is a very valuable hay, and I think it should come under some particular heading, so that it should not be confounded with the hay grown on lands reclaimed from the sea. It might be called mixed marsh hay. Perhaps the hon. gentleman from Albert can describe it better than I can.

Hon. Mr. McCLELAN—I think the suggestion is a very good one. It was my idea when we discussed this before to have a classification called mixed grasses or mixed hay, and without reference to that grown upon the dykes at all. Locally this hay is called marsh hay. That is a misnomer. The land is no way like marsh. It is really land reclaimed from the sea, made up of deposits from salt water, and is hard and solid, and does not answer the description of marsh in any sense or form. To call it marsh would be a mistake, although it is locally called that, and to call it dyke land overflowed with water would create a misconception, because it is not overflowed with water unless by some tidal wave, or unless done for irrigation ; but it is land reclaimed from the sea, and there are other grasses or descriptions of hay very much like that of course which are not grown upon dyke lands at all, so that perhaps that would be the best definition. I think perhaps my hon. friend from Amherst would agree to simply call it mixed hay, sound and in good condition, other than clover or timothy.

Hon. Mr. DEVER—Would that include the hay I have reference to ?

Hon. Mr. BOWELL—It is first suggested that dyke hay shall be sound and well-cured hay grown upon lands reclaimed from the sea. The motion of the hon. gentleman from Halifax is to take the place of this and instead of calling it dyke hay to call it mixed hay.

Hon. Mr. POWER—Yes.

Hon. Mr. BOWELL—I think that is a better definition because it will meet the views of hon. gentlemen better—hay which does not come under the description of timothy or clover, and which is in good condition, sound and well-cured. It has been suggested that the words " good colour " should be added to it as well as the other.

Hon. Mr. KAULBACH—I do not see much objection to that, but my hon. friends from King's and that country know that the dyke hay is considered the most valuable we have in the market. In generally brings $1 or $2 per ton more than the upland hay in the country. You are placing it as rather an inferior grade of hay by putting it after No. 2 timothy.

Hon. Mr. DEVER—After all, every hay will bring its price according to its quality, after you come to know it.

The clause as amended was adopted.

On subsection,

Hon. Mr. POWER—I think the question whether that fee is too large or not depends upon the time the inspection takes place, and if hay which has been baled is opened, 20 cents is a small fee for inspecting ; but if a large quantity of hay is looked at by an inspector before it is baled, then 20 cents might amount to a very considerable fee. However, I do not know enough about the matter to make a suggestion.

Hon. Mr. McKAY, from the committee, reported the bill with with amendments which were concurred in.

## SECOND READINGS.

Bill (GG) " An Act to amend an Act relating to the custody of juvenile offenders in the province of New Brunswick."—(Mr. Bowell.)

Bill (58) " An Act to incorporate the Lake Megantic Railway Company."—(Mr. Ogilvie.)

Bill (80) " An Act to revive and amend the Act to incorporate the Rocky Mountain Railway and Coal Company."—(Mr. Perley.)

Bill (81) " An Act respecting the Erie and Huron Railway Company."—(Mr. McKindsey.)

## DISFRANCHISEMENT OF VOTERS BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (6) " An Act to disfranchise voters who have taken bribes."

(In the Committee.)

Hon. Mr. KAULBACH—Some clause might have been included to punish not only the person accepting a bribe but also the person who offers a bribe. I know there is a provision already in the Act which relates to the subject, but I am not certain whether it has the same scope as the provision of this bill for the punishment of a person who takes a bribe.

Hon. Mr. PERLEY, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## REFORMED BAPTIST CHURCH OF CANADA BILL.

SECOND READING.

Hon. Mr. McCLELAN moved the second reading of Bill (84) "An Act to incorporate the Alliance of the Reformed Baptist Church of Canada, and the several churches connected therewith."

Hon. Mr. BOWELL—I should like to call attention to the provisions of the first section of this bill. You will see that the power given to this corporation is very large—they are not limited in any way. The first paragraph reads, "And the said alliance shall have the direction and management of the general interests of the said denomination." There might be no objection to that. The only point is whether, as in other bills of a similar character, these powers should not be defined. If you look at the Evangelical Lutheran Synod Act, and the Reformed Episcopal Synod Act, you will find that they have in their charters clauses defining their powers. Would it not be in the interests of this denomination to have their powers clearly defined, as in these other Acts to which I have called the attention of the House? The clause in the Evangelical Lutheran Synod Act of 1885, and also in the Reformed Episcopal Synod Act of 1886 reads as follows:

> The said synod may meet and adopt, or repeal constitutions and make regulations for enforcing discipline in the said Evangelican Lutheran Church of Canada and for the appointment, deposition, deprivation or removal of any person or persons bearing office therein and for the convenience and orderly management of the property, affairs and interests of the said church in matters relating to and affecting only the rights, privileges or interests of other religious communities, or of any person who is not a member of the said church.

These are powers which I think are quite broad in their character, and this bill should be considered carefully when it is brought before the committee to which it is to be referred.

Hon. Mr. McCLELAN.—I have no doubt the suggestion is a good one for the committee to consider.

Hon. Mr. POWER—There is another point to which I should like to direct the attention of the hon. gentleman who has charge of the bill. The second clause provides that the first meeting of the Alliance shall be held on the first Wednesday after the 4th Sunday in June in the present year.

Hon. Mr. McCLELAN—That may be before the bill becomes law.

Hon. Mr. POWER—Yes, and another point to which I wish to call attention is the following:—

> "At a time and place to be designated by a notice published in the paper styled 'The King's Highway,' such notice to be signed by James E. Drysdale, Benjamin N. Goodspeed and D. B. Bowers and published four weeks previous to the said meeting."

This clause will all have to be recast. It is possible that these three gentlemen whose names are given may not be able to sign the notice as required by the clause. I would suggest that it would be better to say with respect to these gentlemen who are to sign the notice, that they or a majority of them may sign it, because there is nothing unreasonable in the supposition that some one of them might not be in a position to sign the notice.

The motion was agreed to and the bill was read a second time.

## SABBATH OBSERVANCE BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (2) "An Act to secure the better observance of the Lord's day, commonly called Sunday."

The bill was read a first time.

Hon. Mr. ALLAN moved that the bill be read the second time to-morrow.

Hon. Mr. ALMON—I intend to move to-morrow that it be not read the second time, but that it be read the second time six months hence.

The motion was agreed to.

The Senate adjourned at 5.30 p.m.

---

## THE SENATE.

*Ottawa, Thursday, June 14th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

MOTIONS.

Hon. Mr. FERGUSON (P.E.I.) moved :

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, a statement giving in detail, the days, during the months of January, February, March and April last, on which the steamer "Stanley" crossed between Prince Edward Island and the mainland, such statement to show separately the days on which the said steamer made single and return trips; and also, the ports of departure from either side.

Also, for a statement covering the same period giving in detail the days on which the Government ice-boats crossed between Cape Traverse and Cape Tormentine, such statement to show separately the days on which single and return trips were made.

Also, for a statement giving in detail the days during the same period on which no mails were conveyed from the mainland to Prince Edward Island, and from Prince Edward Island to the mainland.

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all correspondence between the Government of Canada and the Government of Prince Edward Island, from the first day of January, 1891, to the present time, in reference to the financial claims of the said province against the Dominion, in the matter of public works and steam communication in accordance with the terms of Confederation.

And also, regarding the proposed tunnel under the Straits of Northumberland.

He said: These two motions which I have on the Order paper, I think with the consent of the House, might be discussed together. They are very relevant to each other and as was done in the case of the Manitoba and North-west school question they might be discussed together and, with the consent of the House, I will take that course. The subjects embraced in these motions have been presented to this House in former years at very great length and with great ability by the Hon. Senator Howlan, now Lieutenant-Governor of Prince Edward Island, and by other gentlemen representing that province in this honourable House. My apology for obtruding myself upon the attention of the House at this time is, that there remains a great deal to be done on this question yet, that new light has been thrown upon it since former discussions have taken place and that I have had some opportunities of being conversant with certain phases, at least, of the question that I am proposing to submit to the House. In taking this course and in the remarks I am about to make, I wish it to be distinctly understood that I do not speak in a sectional spirit or feeling. I have the honour of having been one of the earliest advocates of the union of these provinces in Prince Edward Island, nearly thirty years ago when there were not very many advocates of confederation there, and, I remember very well that I then took the ground that if Prince Edward Island would throw in her lot with her sister provinces, small as she was in extent and limited in population, she would always, when she had a good case, get fair play and justice from the larger provinces of Canada, and I have never despaired or gone back on that opinion up to this day. Although I think I will be able to show this honourable House that much is yet due to Prince Edward Island, I still cling to the belief that I will never have to change my opinion that because a province is small and has a very small vote in the representative bodies of the Dominion it will on that account receive any the less justice than will be accorded to the larger provinces. When Prince Edward Island was invited to form a part of the great Dominion of Canada the people of that province took very strong objection to the Quebec scheme of union, in fact to union entirely as it was then presented to them, and the principal ground and the strongest ground that was taken in these years from 1865 to 1873 was that Prince Edward Island being entirely isolated from the other provinces, would be called upon under confederation to contribute her full share to the great

public works that were then in progress on the mainland and that were in contemplation and that she could not derive any benefit or advantage directly or indirectly from the construction of these public works. The works then referred to were the Intercolonial Railway, the enlargement and improvement of the canals and the Canadian Pacific Railway. The people of Prince Edward Island, even those who were favourable to the union with Canada, united with those who were not, in contending that these great public works could not be, under any possible circumstances, of advantage to Prince Edward Island; while under the scheme of confederation that was submitted up to that time she would be taxed just the same as the larger provinces which would be directly benefited, and very largely, by the construction of these great public works. And this was the way the matter stood up to 1873 when the final conference, on confederation took place, and when the late lamented premier of Canada, Sir John Macdonald who was always equal to any great occasion and who was always ready to do justice on occasions of this kind, no matter whether the provinces were large or small, finally took the matter into his consideration and admitted, as did his Government of that day, by the terms of union that were framed and adopted, in regard to Prince Edward Island, that the contention of the islanders was right, that Prince Edward Island could not receive the same advantages from these great public works as the other provinces. And Sir John Macdonald and his Government agreed at that time to put a clause in the terms with regard to Prince Edward Island which entirely met and covered the case. I will just read it to hon. gentlemen because it forms the keynote of the remarks that I am going to make :

> That in consideration of the large expenditure authorized by the Parliament of Canada for the construction of railways and canals, and in view of the possibility of a readjustment of the financial arrangements between Canada and the several provinces now embraced in the Dominion, as well as the isolated and exceptional condition of Prince Edward Island, that colony shall, on entering the union, be entitled to incur a debt equal to $50 per head of the population as shown by the census returns of 1871, that is to say $4,701,050.

It will be in the recollection of hon. gentlemen that the British North America Act called for immediate steps with regard to the Intercolonial Railway within six months of confederation, and in the year 1867 an Act was passed authorizing the construction of that road. I now quote from 31st Vic., cap. 13, sections 27 and 32. They read this way :

> 27. For the purpose of constructing the said railway there shall be raised by loan and appropriated a sum not exceeding three millions pounds sterling bearing interest at a rate not exceeding four per cent per annum upon a guarantee of a payment of the interest of such loan by the commissioners of Her Majesty's treasury under the provisions of the Canada Railway Loan Act, 1867.

That is, there should be an imperial guarantee for the loan of three millions of pounds sterling for the construction of the Intercolonial Railway; and section 32 of the same Act says :

> 32. The Government of Canada is hereby empowered to raise by loan for the completion of the railway, a further sum not exceeding one million pounds sterling (without guarantee by the commissioners of Her Majesty's Treasury) and the Consolidated Revenue Fund of Canada shall be and the same is hereby charged with the money so raised and interest immediately after the charges made thereon in pursuance of the five next preceding sections of this Act.

Therefore $20,000,000, or £5,000,000 of sterling, was the amount that was authorized by the Parliament of Canada to be expended on the Intercolonial Railway at the time Prince Edward Island went into Confederation with Canada. At that time the sum of about $15,500,000 had been expended on the Intercolonial Railway and there remained about $4,500,000, which latter sum was the amount which the Parliament of Canada was authorized to expend for the construction of that work, and which was referred to in the terms of union to which I have just quoted. I may say that the debt of Canada on the 30th June, 1873, the last day before Prince Edward Island entered into confederation was $129,743,432.19. That was the first item that had to be taken into consideration and then came the $4,552-148.57, the amount unexpended and which was authorized by Parliament for the construction of the Intercolonial Railway. If any doubt is still entertained on that point I may refer to the report of Mr. Brydges, the Superintendent of the Intercolonial, dated 24th December, 1874, a year and a half after Prince Edward Island entered the confederation, in which he says :

> I think this will give you all the information that you require upon the subject of the works upon the

Intercolonial Railway, and I think you may be satisfied that the amounts which I have estimated for the completion of the work will not be exceeded and that the sum of $21,250,000 will be the ultimate cost of the whole of the railway between Rivière du Loup and Truro.

This was a year and a half afterwards, but at the time Prince Edward Island went into confederation there was no estimate before the country except $20,000,000 and that was to be the full amount required for the Intercolonial Railway. Sir John Macdonald in the terms of union with Prince Edward Island spoke of the amounts authorized by Parliament, and we are limited to the consideration of those amounts. Now we come to the Canadian Pacific Railway and we find that by an Act passed in 1872, 35 Vic., cap. 71, sec. 4, the following provision was enacted :

The subsidy or aid in money to be granted to the said company shall be such sum not exceeding thirty million dollars on the whole, as may be agreed on between the Government and the company, such subsidy to be granted from time to time by instalments as any portion of the railway is proceeded with in proportion to the length, difficulty of construction and cost of such portion ; And the Governor in Council is hereby authorized to raise by loan in the manner by law provided such sum not exceeding thirty million dollars as may be required to pay the said subsidy.

Here we have it clearly provided by statute one year before Prince Edward Island entered into confederation, that the sum authorized by law, always keeping to the words of the terms of union, for the construction of the Canadian Pacific Railway and which was settled in the terms with Prince Edward Island, was $30,000,000. Now we come to the great canals and we find that in the year 1873, three weeks after Prince Edward Island entered the Confederation, that Her Majesty the Queen assented to an Act of the Imperial Parliament authorizing a loan, with the Imperial guarantee, of three million six hundred thousand pounds sterling, which Canada was authorized to raise on conditions that she raised a further sum of four million four hundred pounds sterling by loan on her own credit, and applied all that money to the building of the Canadian Pacific Railway and in the improvement and enlargement of the canals and to no other purpose whatever. That was at the very time that the terms were negotiated and agreed upon with Prince Edward Island. The arrangement was going forward—in fact the bill to which I refer, must at that time have passed the House of Commons, for it was assented to by the Queen on the 23rd of July, authorizing a loan of £8,000,000 sterling for the Canadian Pacific Railway and for the enlargement of the canals. The Parliament of Canada probably had not time before the prorogation of 1873 to pass the Act that it was called upon to pass by the Imperial Act, and which it did pass immediately after it met in 1874, authorizing the negotiation of this loan of £8,000,000 in the terms provided in the Act of the Imperial Parliament known as the Canada Public Works Loan Act of 1873. I will here quote from the Imperial Act, 36-37 Vic. :

Whereas the Government of Canada propose to raise by way of a loan for the purpose of the construction of the Pacific Railway, and also for the improvement and the enlargement of the Canadian canals, a sum of money not exceeding eight million pounds.

Sec. 2. The treasury may guarantee in such manner and form and on such conditions as they think fit, the payment of the principal and interest (at a rate not exceeding 4 per cent per annum) on all or any part of any loan raised by the Government of Canada for the purpose of the construction of the Pacific Railway and the improvement and enlargement of the Canadian canals, so that the total amount so guaranteed from time to time does not exceed three millions six hundred thousand pounds.

Sec. 3. The treasury shall not give any guarantee under this Act unless and until provision is made by an Act of Parliament or otherwise to the satisfaction of the treasury.

Subsec. 1. For raising and appropriating the said proposed loan of eight million pounds.

In this way there was $30,000,000 provided by law for the Canadian Pacific Railway, and $8,933,333 for the canals. Then follows the provisions of the Canadian Act, 37 Vic., cap., sec. 1, as follows :

The Governor in Council may from time to time authorize the raising by way of loan for the purpose of the construction of the Pacific Railway and of the improvements and enlargement of the Canadian canals, such sum or sums of money as it may from time to time be found expedient to raise for such purposes, not exceeding in the whole eight million pounds sterling, and the money so raised shall be appropriated and applied strictly to the purposes aforesaid and to no other purpose whatsoever.

Now, my contention is that these were the sums and these were the works which formed the basis of the terms of union with Prince Edward Island that the debt of Canada on the 13th June, 1873, and the $30,000,000 for the Canadian Pacific

Railway, was to be taken, and that this $8,933,000 for the canals was to be taken and the unexpended portion of the $20,000,000 on the Intercolonial Railway and putting them altogether we have a sum of $173,238,914.09.

| | |
|---|---|
| Debt of Canada in 1873 | $ 129,743,432 19 |
| Authorized for Canadian Pacific Railway (unexpended) | 30,000,000 00 |
| Authorized for Intercolonial Railway (unexpended) | 4,552,148 57 |
| Authorized for Canals (unexpended) | 8,933,333 33 |
| | $173,228,914 09 |

If anything was necessary to prove the stand that I have taken, anything stronger than the statutes of Canada, and the terms of confederation, with the description of the works therein contained, namely, those large public works authorized by the Parliament of Canada, if I say anything further is necessary to prove the position I take, I think hon. gentlemen will find it in that amount of $173,228,914. Taking the census of 1871 as the basis, and making some allowance for the population of Manitoba and British Columbia which were not enumerated with the rest of the provinces, and putting the population of Canada at about 3,500,000, it will make $49.40 per head as the burden estimated in this way on the taxpayers of Canada by the debt then incurred and by the great public works that the Parliament of Canada was authorized to proceed with at that time when we went into the union. There was the basis—$49.40 per head, being the debt which was incurred or authorized under the sections I have referred to and Sir John Macdonald said : We will give Prince Edward Island a fair start. He gave the terms of union which fixed the debt at $50 per head and Prince Edward Island was admitted with an assumed debt of $4,701,050, or $50 per head on the population as ascertained by the census of 1871 being 94,021. This was a perfectly fair start. In the terms of union to which I have directed your attention the fullest and fairest admission was made that these burdens which Canada had undertaken and which were resting upon her by the debt which she had created and the laws which she had passed authorizing these large further expenditures were such that Prince Edward Island should not be called upon to bear them. And Prince Edward Island was allowed $4,701,050 as her assumed debt. Now we have always said and still say that that was perfectly right and fair and we never complained of it. I know there is some misconception in the minds of gentlemen outside of our own province in connection with how the Prince Edward Island Railway was built, and I will remove it before I go any further. Perhaps no hon. gentleman in this House entertains that view now, but in years gone by I have often met the opinion expressed that Prince Edward Island had a railway built its entire length by the Dominion of Canada. Now if any hon. gentleman has any such impression as that in his mind I assure him that it is entirely erroneous. Prince Edward Island had entered upon the construction of a system of railway before going into confederation just the same as Nova Scotia had entered upon a system of railway construction, or the same as New Brunswick and the same as the old province of Canada had expended very large sums of money in subsidies and loans to the Grand Trunk Railway and other companies, and Prince Edward Island completed her railway at her own cost. This sum of $4,701,050 was as I have just said the amount of $50 per head allowed to Prince Edward Island. The actual debt of Prince Edward Island on June 30th, 1873, not including any railway expenditure, was $754,559.56. The railway expenditure of Prince Edward Island was $3,153,672.39. The amount withdrawn by Provincial Government in 1888 from this sum was $200,000, and the balance of the assumed debt at confederation now remaining is $582,818.05, being in the whole, $4,701,050.

| | |
|---|---|
| Actual debt of Prince Edward Island, June 30th, 1873, not including railway expenditure | $ 754,559 56 |
| Railway expenditure | 3,153,672 39 |
| Amount withdrawn by Provincial Government in 1888 | 200,000 00 |
| Balance remaining | 582,818 05 |
| | $4,701,050 00 |

So that out of that debt of fifty dollars per head that was allowed to Prince Edward Island when she entered confederation in order to put her in the same position as the other provinces, she was charged every dollar expended in the construction of her own railway. Now in regard to that matter I have some complaint to make. I find that in the report of the Minister of Railways for the past year a tabulated statement

showing the capital expended on all the railways of Canada, and in that statement I find Dominion aid to Prince Edward Island Railway is charged at $3,750,565.38. That is under the head of Dominion Government aid, and Provincial Government aid is blank. I have a complaint to make of that statement. I do not know that this table is exactly fair to other provinces as well as Prince Edward Island, but I suppose the errors arose from inadvertence. They are, however, calculated to create a wrong impression, because the entire amount expended on the Prince Edward Island Railway in construction in the first instance and charged to capital since that time up to the present time is entered in that tabulated statement by the hon. Minister of Railways as being aid by the Government of Canada on the Prince Edward Island Railway. Now I think I have made myself clear to hon. gentlemen that there were only three large expenditures of public works provided for when Prince Edward Island entered into confederation, and that these three were the Canadian Pacific Railway, the Intercolonial Railway, and the widening and improving of the canals; and the amounts to be expended on these works was fixed by the terms of confederation, and Prince Edward Island was allowed for them. At that time the Government of Canada had not adopted the policy of subsidizing branch railways or constructing any other railways than those great public works, but I find that a system has been adopted as hon. gentlemen know very well by which very large bonuses and grants have been made to railways and canals in all the provinces of Canada, with the exception of Prince Edward Island. I have here a list of them which includes as well the Government aid to the Canadian Pacific Railway, Intercolonial Railway, and the canals since 1873, which I have made up carefully from the public accounts. Some of these items which this account contains have not yet been paid, they are voted, they are in the form of subsidies for a number of years.

Railroad expenditures authorized by Canada since 1873:

| | |
|---|---|
| Subsidies granted to railways under contract (*see* Public Accounts, page LXXXIX, Minister's Report | $ 41,609,901 00 |
| Subsidies (not under contract) per Minister's Report | 3,442,600 00 |
| Subsidies for 20 years to Short Line | 3,732,000 00 |
| Interest paid to Government, Quebec, for North Shore Railway | $ 1,017,450 00 |
| Subsidy to Quebec Government for North Shore Railway | 2,394,000 00 |
| Subsidy to Chignecto Ship Railway | 3,412,000 00 |
| do do Kingston and Smith's Falls Railway | 250,660 00 |
| Subsidy to Quebec Central Railway Company | 423,830 00 |
| Subsidy to St. Catharines and Niagara Railway Company | 75,600 00 |
| Subsidy to St. Albert Railway Company | 15,000 00 |
| Loan to Fredericton and St. Mary's Bridge Company | 300,000 00 |
| Loan to St. John Bridge Company | 500,000 00 |
| Subsidies to various railways in used iron rails | 234,604 38 |
| Subsidies to Calgary and Edmonton Railway | 1,600,000 00 |
| Subsidies to Regina and Prince Albert Railway Company | 1,600,000 00 |
| Subsidy to Hudson Bay Railway Company | 1,600,000 00 |
| Expenditure on Intercolonial Railway | 29,079,314 34 |
| Expenditure on Annapolis and Digby Railway | 616,979 89 |
| Expenditure on portions of Canadian Pacific Railway transferred to company | 30,818,414 14 |
| Expenditure on explorations, surveys, St. Francis Lock, &c., on the Canadian Pacific Railway | 5,558,186 51 |
| Capital expenditure on Prince Edward Island Railway | 596,693 09 |
| Annual subsidy to Prince Edward Island, under 50-51 Vic., cap. 8, capitalized at 4 per cent | 500,000 00 |
| Expenditure on canals, including contracts on Soulanges and Sault Ste. Marie | 45,218,221 93 |
| | $174,595,526 08 |

I have taken the whole amount of the first item there as $41,609,901, which may be found in the report of the Hon. the Finance Minister, subsidies granted to railways under contracts, and that includes the twenty-five million subsidy to the Canadian Pacific Railway, and then there is another amount —$3,442,600—that has been voted to railways that are not up to the present time under contract, and then there are a large number of items, some of which are, as I said before, in the form of bonuses and grants over a period of years, and others of which have been paid. This statement that I have in my hand includes the whole expense of the Canadian Pacific Railway, and the whole expense of the Intercolonial Railway since 1873 which latter amount is $29,079,364. I may say I do not include in this statement at all the expenditure by the Dominion on the Intercolonial Railway

before Prince Edward Island went in. That matter was settled with us, as I have said, and was settled with us fairly. I do not include in it the amount spent by the old provinces of New Brunswick and Nova Scotia on the Intercolonial Railway. That was also settled and covered at that time, but I take the expenditure upon the Intercolonial Railway since Prince Edward Island went into confederation, and I find that total is $29,079,364.

Hon. Mr. POIRIER—Is that over the 20 millions?

Hon. Mr. FERGUSON—No.

Hon. Mr. POIRIER—Is that the whole amount expended on the Intercolonial Railway.

Hon. Mr. FERGUSON—Yes, since 1873. There were only $4,552,148 of the 20 millions unexpended when we went into confederation. What was previously expended was included in the debt of Canada and that was settled with us and we have no claim on it and we have no claim on the $4,553,148, which is part of this $29,079,364, but which I will deduct hereafter. Then the total expense of the Canadian Pacific Railway is also included. All the Canadian Pacific Railway has cost the country since 1873 is put in there, and that is very nearly the whole of it. There was one million, or something like it spent in surveys before that, but the great expense has been since that. Thirty millions was settled with us and we have no complaint to make with regard to the expenditure of that thirty millions on the Canadian Pacific Railway. In the same way we will take the canals. The total expenditure on canals including the contracts on the Soulanges and the Sault Ste. Marie is $45,218,221. That does not include what was spent on the canals before 1873 and was settled with us before we entered into confederation, but it does include $8,933,000, which was authorized by Parliament as the expenditure on canals when we went into confederation, but I will show you how I take it off. The total amount was $174,595,526, which had been expended or authorized by Parliament to be expended on public works from 1873 up to the present time. As I have already explained, this has not all been paid. A very considerable part of it is in bonuses which will cover a number of years. I will explain my reason for including the total amount. I know very well that if the government of this country, sustained by this House and by the representatives of the people in the House of Commons, does undertake to build some great public work for Prince Edward Island, such as a tunnel under the Straits of Northumberland; we will not expect them to rush into it headlong. We know that there is a great deal to be considered. Great care must be shown in undertaking a work of that kind. I know it would be a considerable time before a great deal of money could be expended upon it, and it would take a long time in its construction. It would be many years before a sum of money which a tunnel would ultimately cost the Government of Canada would be expended, and putting that on the other side of the account, would fully justify me in including in this statement that I have made the entire amount voted to be paid to railways and canals and those great public works, and not simply the amounts already paid. I will just proceed one step further with this part of my subject. Deducting the $30,000,000 for the Canadian Pacific Railway that was guaranteed when we went into confederation, the $8,933,333 for canals, $4,552,148 (the unexpended portion of the $20,000,000 for the Intercolonial Railway), deducting these amounts from this gross amount of what has been paid or what is now authorized, and it leaves a difference of $131,110,045.08.

Total amount expended or authorized for railways and canals since 1873:

| | | |
|---|---|---|
| For railways | | $129,370,305 15 |
| For canals (including Soulanges and Sault Ste. Marie) | | 45,218,221 93 |
| Total for railways and canals | | $174,595,526 08 |
| Estimated expenditure on railways and canals in 1873:— | | |
| Canadian Pacific Railway | $30,000,000 00 | |
| Enlargement of canals | 8,933,333 00 | |
| Estimated cost of I. C. R. Ry. $20,000,000, unexpended | 4,552,148 57 | |
| | | 43,485,481 00 |
| Being in excess of estimate | | $131,110,045 08 |

There is a further deduction to be made from that. The island share of the $131,-

110,045.08 would have been $3,277,511. That is taking Prince Edward Island as a one-fortieth part of confederation. There has been expended for us in the same line as was done for the other provinces, a capital expenditure on the Prince Edward Island Railway of $596,633. That item in the Minister's report is put down rather differently because some payments that were made since 1873 and charged to our capital account are put down by the Minister of Railways and Canals as expenditure on the railway since 1873. I do not find any fault with it. It is right enough, because these payments were not matured and were not made till later years and have a perfect right to be put down in that way. Nevertheless, in the comparison I am making, they are somewhat misleading, as they have been charged against the province of Prince Edward Island. The actual amount charged to the Dominion for railways in Prince Edward Island is $596,693.09. The Government of Canada on representations which were made to them took this matter into consideration and agreed to give Prince Edward Island a subsidy of $20,000 a year in perpetuity which admitted the principle of the contention which I am making now to this honourable House, and the contention which the island has put forward for many years. I will farther on read the minute of council on which this $20,000 a year was voted, and I put this $20,000 down on the other side of the account, representing at 4 per cent one-half a million dollars. Then there is a subsidy voted but not yet paid to a branch railway of three miles near Summerside in Prince Edward Island which will amount to $9,600. Adding up these items it makes $1,106,293.09, and deducting that amount from the island's share, $3,277,511 leaves $2,171,318 as due to Prince Edward Island in regard to public works, as shown by the following statement.

Expended or authorized on railways and canals by the Dominion, in excess of amount estimated in 1873, $131,110,045.08 :

| | | |
|---|---|---|
| Prince Edward Island being one-fortieth of Canada, should have received such proportion of this expenditure, viz. | | $3,277,511 27 |
| The proportion actually received or authorized for Prince Edward Island is as follows :— | | |
| Expended on capital account P. E. I. railway. | $596,693 09 | |
| Under 50-51 Vic., cap. 8, $20,000 per annum, capitalized at 4 per cent | $500,000 00 | |
| Subsidy Summerside and Richmond Bay Railway | 9,600 00 | |
| | | $1,106,293 09 |
| Due P.E.I. | | $2,171,318 18 |

I hope I have made myself plain. I have tried to do so. The ground I take, hon. gentlemen, is that there was an amount authorized to be expended on public works in the Dominion in addition to the actual debt of Canada at that time, and that Prince Edward Island was allowed for that amount, but the large public expenditures which were not then contemplated, which it was not then the policy of the Dominion to incur, were incurred after that, and that the island should be compensated for these amounts. I dare say, perhaps, I will be met in this discussion, as the representatives of Prince Edward Island have sometimes been met before by the statement, "Oh, though you have not great public works in Prince Edward Island, the Dominion Government has run for you a railway for 19 years and at a very heavy loss. I have found in my intercourse with representatives of the other provinces that a good many of them seem to think that such was a good and sufficient answer to all that we have said. If they will look at the matter carefully with me for a very few minutes they will see that it is no answer at all. Let us make a comparison. Take the Intercolonial railway, and I hope I am understood in the remarks I am making as not finding any fault with the policy which has built the Intercolonial railway, which has built the Canadian Pacific railway, and enlarged the great canals of Canada. I have never raised my voice in the way of fault-finding with this, because I believe it to be in the interest of Canada ; but the ground I take is the ground I have always taken, that Prince Edward Island should be treated in precisely the same manner as the other provinces are treated. Look at the Intercolonial Railway. There has been expended on the construction of the road since 1873, $29,079,364, and I have calculated interest on this amount at 4 per cent compounded and find that that would make $19,689,000 more. I find that the working expenses of the Intercolonial railway have been since 1873 $48,908,244, or a total expenditure of $97,677,000. Deducting from this the earnings of the road,

$42,389,541, we find a loss to Canada since 1873 of over $55,000,000. Or to put it exactly:

| | |
|---|---|
| Cost of construction | $29,079,364 34 |
| Interest on above at 4 p.c. | 19,689,695 81 |
| Working expenses | 48,908,244 09 |
| | $97,677,304 24 |
| Receipts | 42,389,541 86 |
| Loss to Canada | $55,287,762 38 |

I am not now including any expenditure prior to 1873—nothing that was expended before Prince Edward Island entered into the union. I am dealing with the question since the 30th June, 1873, and I there find that by computing the interest at 4 per cent on the cost of the construction, and adding the difference between the working expenses and receipts the country has lost $55,287,762:38. Then take the canals. The capital expenditure since 1873 on the canals has been $37,988,041. That does not include the unexpended votes on the Sault Ste. Marie Canal and the other canals now in course of construction and enlargement, nor does it include the expenditure on canals before Prince Edward Island entered the confederation.

LOSS ON CANALS SINCE 1873.

| | |
|---|---|
| Capital expenditure since 1873 | $37,988,041 11 |
| Interest on above at 4 per cent. | 25,757,899 63 |
| Expenses chargeable to income. | 9,932,610 34 |
| Receipts | $73,678,550 08 |
| | 7,189,929 49 |
| Loss to the Dominion | $66,488,620 59 |

So that the loss on the canals has been $66,489,620 since 1873. Now take the Canadian Pacific Railway and I find that the cost of construction of that road since 1873 has been $61,376,600. The interest at 4 per cent compounded was $38,838,465 taking in all $100,215,055.

THE CANADIAN PACIFIC RAILWAY.

| | |
|---|---|
| Cost of construction since 1873 | $ 61,376,600 |
| Interest on construction at 4 p.c. | 38,838,455 |
| | $100,215,055 |

Putting these three public works together and dealing with them since 1873 the loss to Canada has been what I have stated. Of course it is not all loss; we know that every dollar has been well expended as far as the advantages to the country are concerned in building it up and unifying it and giving it a standing, I believe we have a return for the whole of it, but I am looking at the debit side and I find that on the Canadian Pacific Railway the country has lost over a hundred millions dollars; on the Intercolonial Railway over $55,000,000 and on the canals $66,488,620.

Hon. Mr. BOULTON—How do you arrive at $100,000,000 for the Canadian Pacific Railway?

Hon. Mr. FERGUSON (P.E.I.)—The cost of construction of the Canadian Pacific Railway since 1873 has been $61,376,600. Interest at 4 per cent compounded added to that makes $100,215,055.

Hon. Mr. POIRIER—I think interest ought to be left off in order to make a clear statement. If you compute compound interest we will never get a fair statement.

Hon. Mr. FERGUSON (P.E.I.)—The general statement that I submitted to the House at the beginning of my remarks did not include interest. I am now refuting the argument that I meet so often, and hon. gentlemen will excuse me for taking this very formal means of meeting and rebutting the statement that the Prince Edward Island Railway is a heavy drain on Canada. I have gone over the other public works, and I am going to apply the same principle to the Prince Edward Island Railway. I am not doing it for the purpose of magnifying the cost of these works. In the general statement which I first submitted to the House and which answers the purpose I then intended, I have not included one cent for interest at all, but in the statement that I am now making I am dealing with the Prince Edward Island Railway and the other great public works in the same manner, to show that the Prince Edward Island Railway is not unduly burdensome to the tax bearers of Canada. I will now take the Prince Edward Island Railway, and before doing so I will say that there has been $19,691,967 voted or paid for subsidy to other roads besides those I have named, and that an approximation of the amount of interest would be about $12,000,000. The other calculations regarding the Canadian Pacific Railway, the Intercolonial Railway, and the canals, which I have submitted, have been carefully worked out, and that is

the result. Coming to the Prince Edward Island Railway, the Dominion of Canada has contributed $596,892 to its cost. Interest on the above at 4 per cent, compounded, is $480,132, and the working expenses of the road have been $4,178,785.52. Being a total on the debit side of $5,255,811.29. The receipts on the other side have been $2,662,-471.91, so that the loss to Canada on the Prince Edward Island Railway has been $2,593,339.48.

| | | |
|---|---|---|
| Lost on construction | $ | 596,892 99 |
| Interest on above at 4 per cent | | 480,132 88 |
| Working expenses | | 4,178,785 52 |
| | $ | 5,255,811 39 |
| Receipts | | 2,662,471 91 |
| Loss to Canada | $ | 2,593,339 48 |

Loss on public works since 1873, exclusive of the Prince Edward Island Railway, including interest :—

| | | |
|---|---|---|
| Loss on Intercolonial Railway | $ | 55,287,762 38 |
| do Canals | | 66,488,620 00 |
| do Canadian Pacific Railway. | | 100,215,055 00 |
| do other railways (interest approximated) | | 31,691,967 00 |
| Loss to Canada | $ | 253,683,404 38 |
| P. E. Island's share, one-fortieth | | 6,342,085 10 |

It will thus be seen that the pro rata burden on the people of Prince Edward Island for the construction and maintenance of the great public works from which they derive no benefit is nearly three times as great as the burden which the Dominion taxpayer on the mainland is called on to bear for the Prince Edward Island Railway. In these latter calculations I include the entire cost to Canada since 1873.

My object in making up this calculation was to show that there is no ground whatever for the statement that is so often made that Prince Edward Island should abandon her pretensions to the expenditure on public works for her benefit and to consideration from the Dominion of Canada on the ground that there is a small deficit or loss in the working of the Prince Edward Island Railway. That road from the fact that the original cost was not charged to the Dominion of Canada is not by any means so large a loser relatively to the population of the island as the other public works throughout the Dominion. I would say further in regard to this matter that there is another consideration which hon. gentlemen should bear in mind when they are considering the matter of the Prince Edward Island Railway not fully meeting its working expenses, and it is this—I would be sorry to say, indeed I do not believe that any such arrangement is intentional or with a view to discriminating against the Prince Edward Island road, but I have no hesitation in saying that I know from my own business that the tariffs on the Government railways are so arranged as to divert the natural business that belongs to the Prince Edward Island Railway to the Intercolonial Railway. I make this statement that under the tariff at present in existence $15 more per carload is charged for material shipped from the west for Charlottetown if it goes over the Intercolonial Railway to Pointe du Chêne and over the Prince Edward Island Railway to Charlottetown than if it goes to Charlottetown via Pictou some 80 miles further on Government roads. That statement will show that owing to the tariffs at present in existence the traffic which legitimately belongs to the Prince Edward Island Railroad is sent over the Intercolonial Railroad to Pictou and the Prince Edward Island Railroad does not get the advantage of it in its earnings. This may be right from a railway point of view—I am not taking that ground but deal with the fact as it exists, and I have not the slightest doubt that just such arrangements have a great deal to do with the deficit on the Prince Edward Island Railway. I take another ground in dealing with the Prince Edward Island Railway. The expenditure is nearly all charged to working expenses. During the last six years there has been only one entry in the Minister of Railways report for capital account on the Prince Edward Island Railway—an item of $8,300. For six years there has been but that one item, while we find on the Intercolonial Railway in the same period there was an expenditure of $2,339,-693, and it seems to me that the Prince Edward Island Railway must have been an extremely well built road when it calls for little or no capital expenditure of any kind for six years, and it seems strange that there should be this great difference as shown by the report of the Minister of Railways. Before leaving this branch of my subject I want to make another statement. I had the honour in the winter of 1886 of visiting London, in conjunction with the present chief justice of the province of Prince Edward Island, the Hon. Mr. Sullivan, and present-

ing on that occasion some of the claims of Prince Edward Island. We had the honour of meeting the High Commissioner of Canada, Sir Charles Tupper, before Earl Granville. We had several discussions on this subject, and in one of those discussions I remember distinctly in answer to a question of mine, Sir Charles Tupper made this statement, in fact I took the words down at the time.

I have no hesitation in saying, from my knowledge of the province of Prince Edward Island extending over all my life, and from my experience as Minister of Railways in Canada, that if the Prince Edward Island Railway was connected with the Intercolonial Railway, that the Prince Edward Island Railway would be a paying road.

I quote Sir Charles Tupper's opinion because sometimes our province is apparrently belittled by statements made about the Prince Edward Island Railway not meeting its working expenses. The island railway owing to its isolation, not being connected with the railway system of the Dominion, has not a chance to get a through traffic as it would if that opportunity were given to it, while on the other hand the accounts are made up so as to show for six years past that only $8,000 has been charged to the capital account, and the arrangement of tariffs is such as to draw traffic to the Intercolonial Railway, at the expense of the Prince Edward Island road. In 1886 I was sent by my colleagues in conjunction with the present Chief Justice, the Hon. Mr. Sullivan, to confer with the government of Canada with regard to the matters to which I have now been referring. We presented a memorandum on the 27th of September, 1886, which covers the ground that I have been presenting to the Senate. I will read it because the matter is concisely put and perhaps hon. gentlemen will get the information on this point that I desire to supply better from this than from anything I have said :

The undersigned having been deputed by the Government of Prince Edward Island to confer with the Federal Ministry relative to the financial arrangement existing between that province and the Dominion, and referring to their interview of to-day with the Prime Minister of Canada on the subject, desire to bring under the consideration of the Privy Council, the justice and propriety of augmenting the subsidy payable by Canada to Prince Edward Island. These are the principal grounds upon which this application is based :—

1. The expenditure by the Dominion upon great public works, in the advantage of which Prince Edward Island, owing to its situation, cannot participate, has been greatly in excess of what at the time the island joined the confederation, it was estimated such outlay would reach.

2. The policy adopted by the Canadian Parliament, subsidizing lines of railway, of a local as well as of a general character, has been extended to every province of the confederation except Prince Edward Island. The construction of eleven miles of railway at Cape Traverse in the island, cannot be regarded as embraced in this policy, such work having been done in pursuance of that part of the terms of union which provides for the maintenance of continuous steam service between the island and the mainland.

3. The island has been debited with the entire cost of the construction of its railway under contract when the union took place in 1873. The undersigned therefore submit that the amount of the expenditure for constructing the Prince Edward Island Railway should be transferred to the credit of that province in its account with the Dominion.

An hon. MEMBER—What about the Cape Traverse Railway?

Hon. Mr. FERGUSON (P.E.I.)—In the calculation I have submitted to this House I charge every dollar of the expenditure on the Traverse extension, and it is included in that $596,000 to which I have referred and charged to Prince Edward Island for railway construction since confederation. In that memorandum reference is made to the interviews we had with Sir John Macdonald, then Premier of Canada. We had several interviews on that occasion and subsequently when we returned to Ottawa to discuss the question and the result of our discussion on the question was the adoption by the Government of Canada of an order in council dated 22nd March, 1887, which I will read to this House :

1st. From the insular position of the province, they (the Governor in Council) are of opinion that the construction of the Pacific Railway and of the Intercolonial Railway has not effected to the same extent that it has the other provinces, and the island has not had the benefit of the advantages which accrue to the other provinces from these lines, and on this ground it is entitled to some consideration.

2nd. The sub-committee think also that consideration should be shown on account of expenditure for the construction of the above-named railway having been greater than was anticipated at the time these works were taken into consideration and the terms upon which Prince Edward Island entered the union, having been in a great measure based upon the estimates thus formed for the completion of these roads.

3rd. The subsidies granted to the other provinces up to the present time, in carrying out the railway policy of the Government in the way of assistance to local railways, have not as yet been made ap-

plicable in any way to Prince Edward Island, and that province has not received any benefit from the carrying out of this policy, whereas on the contrary the other provinces forming the union, have in this manner largely benefited.

Hon. members will bear in mind that I am now reading the order of council of the Government of Canada. This is from the Canadian point of view—from the point of view of Sir John Macdonald, the hon. leader of this House, and other gentlemen associated with him in the Government of the country. This was the order in council adopted by the Government of Canada. I may in passing that the representatives people of Prince Edward Island did not agree at that time—they were not asked to agree to accept that $20,000 per year, as a complete and final settlement of the matter which they were pressing on the Government and we knew the Government had great difficulties to contend with, that there would be jealous eyes and petty critical tongues directed against them from other parts of the Dominion, by parties who did not fully understand the matter and we fully appreciated the spirit of fairness which induced Sir John Macdonald to put that minute on record as an instalment of justice to Prince Edward Island.

Hon. Mr. MACDONALD (B.C.)—Have you the condition on which the $20,000 a year was given.

Hon. Mr. FERGUSON (P.E.I.)—I have just read it in the Order of Council. Immediately afterwards there was an Act passed. The Act does not contain the grounds on which it was granted, but simply enacts that $20,000 per annum should be given. I have read the order of council on which the Act was based. I was very much pleased, as we all were in Prince Edward Island, when this matter came before Parliament, that the greatest spirit of fairness and justice seemed to pervade hon. gentlemen on both sides of the House. In presenting the bill to the House Sir Charles Tupper, who was Finance Minister at the time, made a short speech which I will take the opportunity of reading, because it throws great light on the attitude of the Government at that day towards Prince Edward Island, and it may also be taken as showing the views of Sir Charles Tupper, who, as we all know, is a statesman taking the broadest views on questions affecting all parts of the Dominion. I will quote from the speech of Sir Charles Tupper which appeared in the "Hansard of 1887," Vol. 2, p. 814:

The attention of the Government was called to the fact that, in the arrangements for the admission of Prince Edward Island in the union, they were not in a position to derive the same amount of advantage from the expenditure on the Intercolonial Railway and the Canadian Pacific Railway, as the other portions of the Dominion, which were on the mainland, and which were in immediate railway communication with those roads. The question was raised that, as the expenditures on both these railways was so greatly in excess of what was estimated at the time the island was brought into the union, they ought to receive some corresponding consideration on that account. Then there was the further question that Parliament had adopted the policy of subsidizing lines of railway in the other provinces—that in Ontario and Quebec, Nova Scotia and New Brunswick there had been considerable expenditures in connection with the construction of railways, and the island had not received any corresponding advantage. No subsidies had been granted for the construction of railways in Prince Edward Island, and on those two grounds it was claimed that there should be additional consideration given to the island. That matter having been carefully considered, the Government felt warranted in undertaking to propose to Parliament a grant of $20,000 a year to meet the claims founded upon these two causes. That is set forth in the Order in Council, and the resolution is for the purpose of carrying it into effect.

Sir Richard Cartwright spoke also on the subject, and it was not certainly to be expected that Sir Richard would be warm and genial in supporting a Government measure of that sort. It was not to be expected that he would rise in his place and commend the Government for what they had done, but Sir Richard appeared to be in an unusually good humour on that occasion and he is on record as saying:

I have no intention of opposing the grant to Prince Edward Island on the principles I lay down, Very likely the demand made by that province is quite justifiable and that it may be that this vote is quite justifiable.

Mr. Davies, as might be expected being a representative of the island, said:

I need not say that I am thoroughly in sympathy with the spirit of the hon. gentleman's resolution.

And the vote passed unanimously in the House of Commons, with this difference, however, the representatives of the island claimed that the amount was not large enough, and I may add that my friend Mr. Davies and some other gentlemen on his

side in politics censured myself and my friends very strongly indeed because we accepted $20,000 a year at that time. Mr. Davies took that view of it in the House when the discussion took place. I must say this for Mr. Davies, that although he very generally complained of the treatment that the island was receiving from the Dominion, yet up to that time I never knew him, or heard him put on record a claim for the province of Prince Edward Island, on the ground on which it was then put forward, and which was acceded to by the Government, and while he was silent up to that time, yet as soon as he found what we were doing, and how far we had succeeded, he took the other side and denounced us for not having done more, and the Government for not having done more. The ground we took was that we had the principle acknowledged, and had received a very substantial amount for the province. We claimed, and it was generally admitted that we had done good substantial service for the province, and Mr. Davies's criticism was only because he had not the honour of inaugurating the claim or carrying it so far towards a successful termination.

While I am dealing with this branch of the subject hon. gentlemen will excuse me if I say that while there was such perfect unanimity and harmony in the House of Commons, when this amount was being voted there, I have reason to know in other places where some hon. gentlemen found it to suit their purpose to act differently the same harmony and unanimity and cordiality in regard to this matter was not expressed, and I am now going to read to the House an extract from a speech made by Sir Richard Cartwright at Ingersoll some seven or eight months after he made the speech which I have just read to the House a few moments ago, in which he said it was all right and quite justifiable and that he would support it, as he did. He addressed his constituents at Ingersoll not in the presence of the representatives of Prince Edward Island, not in the presence of the "Hansard" reporters who would put his speech on record, but in the presence of Ontario people where the facts were not understood by the very fair-minded people of that province. His speech is reported in the "Globe," 14th October, 1887:

> Further the Government had opened the door wide to all sorts of demands on the part of the provinces by granting half a million dollars to the province of Prince Edward Island in utter defiance of the terms of the compact entered into between the several provinces at the time of confederation. If the people of Canada, or a majority of them, choose to condone these deliberate violations of all sound constitutional principles and of the formal agreement entered into by the provinces, it will be idle to expect that confederation would prove a success or could even be worked on any terms, except those of gross and continuous bribery.

I refer to this because it is just such speeches as this—I might almost call them incendiary speeches—made unfairly for the purpose of attacking the Government without the full facts before the people—which do harm and prevent the people of Canada from understanding one another, not only on this question but other questions which vitally affect their best interests. Now, in the discussion of this and other questions similar to this we have been met, in years gone by, with a statement "Oh, but Prince Edward Island is a heavy drain on the Dominion of Canada." Take up the Trade Returns they say and it will be found that Prince Edward Island only contributed a very small share of the customs and excise revenue of the country as compared with the other provinces, and it has been our misfortune particularly to have this argument, and this very unfair argument, pressed against us on a great many occasions. As far back as the year 1880 in the House of Commons of Canada the Hon. Mr. Blake made a speech which was not only unfair to Prince Edward Island but was also unfair to many other provinces. I think hon. gentlemen in this House need not be told to-day that the Trade and Navigation Returns afford no indication in the world how the provinces are contributing to the customs revenue. All hon. gentlemen know very well that day by day and year by year the great wholesale trade of Canada is becoming centralized in some of our larger cities and larger ports. We know that the goods that are consumed in Prince Edward Island to a very large extent, and also the goods that are consumed in the North-west Territories, are entered in the ports of other provinces and the customs duties are paid and appear in the custom-house returns to the credit of the other provinces of Canada. Take the Trade and Navigation Returns for the last year and you will find in the whole North-west Territories outside of Manitoba, that there has been only something like $80,000 worth of goods entered there, and that is simply in two

places—Fort McLeod and Lethbridge. I suppose that is because there is connection with a railway in the United States at those points, and it was convenient to receive the goods there, but there is not a single entry in all the other parts of the Territories, who probably spend more money per head than the older provinces. Goods are imported at Montreal or some other large city and sent from there to the other provinces. In the old days before confederation we built in Prince Edward Island a great many wooden vessels, which kept up a direct trade between our ports and the old country, and we had a direct importing business at that time. Since that time and the adoption of the present tariff, the tendency has been to buy a great deal more within the province of Canada, both of goods manufactured in Canada and of goods imported by the large wholesale houses in the great centres of trade, and in consequence of this, hon. gentlemen, I think need not be told to-day that the Trade and Navigation Returns afford no indication whatever of the contributions of each province to the federal treasury; but in 1880 Mr. Blake made a speech in which he calculated the contributions of the provinces to the Dominion Treasury by these returns. I will not take up the time of the House by reading it. I am told in a speech which has been published, which he made in one of the western provinces before he left the political arena, he corrected and took back what he said in 1880 and admitted, as every intelligent gentleman in the country admits to-day, that the Trade and Navigation Returns afford no indication whatever of what any particular province has been contributing to the revenue of the country. In the year 1886, when Chief Justice Sullivan and myself were in England, we had a discussion over this very subject with Sir Charles Tupper and Lord Granville, and on that occasion we went into a very elaborate statement of what the contributions of Prince Edward Island were to the federal treasury. I think as the several reasons which are perhaps almost local to Prince Edward Island, are contained in this document that I will crave the indulgence of the House while I read this extract:

The difficulty of arriving at an absolutely correct calculation of the amount of dutiable goods which the people of Prince Edward Island consume cannot fail to be appreciated, yet the undersigned submit that there are several methods by which it may fairly be estimated. It must be premised that the people of the island are very large consumers of dutiable goods for the reason that, being chiefly engaged in agriculture and fishing, their manufactures are very small as compared with the rest of Canada, valuing, according to the last census returns, only $31.33 per head to $72.63 per head of the other provinces.

In proof of the assertion that the people of the island are principally engaged in agriculture and fishing, the undersigned would again advert to the census returns of 1881, which show that (the North-west Territories not being included):

One-half the area of Prince Edward Island is cultivated.

Only one-twenty-fifth of the other provinces is cultivated.

Prince Edward Island has a population of 51 to the square mille.

The other provinces only 4·72.

Hon. Mr. POWER—Does the hon. gentleman include Manitoba and British Columbia?

Hon. Mr. FERGUSON (P.E.I.)—Yes, only excepting the North-west Territories. Of course British Columbia pulls down the average of the other provinces very materially, but not to an extent to make the difference so great. Prince Edward Island is more thickly populated than the other provinces.

Prince Edward Island owns 55 live stock for every 100 acres of improved land—the other provinces only 38.

In field products Prince Edward Island raises to the acre of improved land 108¾ bushels—the other provinces 61¼ bushels.

From the fisheries Prince Edward Island produces $17.08 per head value—the other provinces $3.55.

The people of the island are generally in comfortable circumstances, in proof of which may be adduced the amount of deposits per head in the savings banks, which average $16.59 for the island against $7.66 for the rest of the Dominion.

These figures clearly prove that the people of Prince Edward Island, from the fact of their not being extensive manufacturers, are under the necessity of using imported goods to a large extent, while the fertility of their soil, the value of their fisheries, and their general independence, demonstrate their ability to purchase. This being understood, the undersigned submits the following calculations, designed to show that the import of dutiable goods into the island are very much larger than suggested by the committee of council, and consequently the contributions to the revenue proportionately greater.

We take three methods of ascertaining what the contribution of Prince Edward Island was to the revenue of Canada.

METHOD 1.

The average revenue of the Dominion, from customs and excise, for the three years ended 30th

June, 1884, was $27,603,479. The population of Prince Edward Island to that of the whole Dominion is in the proportion of 1 to 39·7. Upon this ratio, the island's share of the customs and excise revenue would amount to $595,301.

METHOD 2.

In 1882, the year before its admission into the union, Prince Edward Island imported direct from the countries beyond Canada, goods valued at $1,372,581.

The duty on which amounted to $184,227.

And from Canada, goods the growth and manufacture of other countries, valued approximately at $429,354.

The duty on which amounted to $89,168.

This was from other countries outside of what is now embraced in the Dominion of Canada and the duties collected were upon a revenue of 12½ per cent.

In 1861 the imports of the island amounted to $1,021,669; in 1872 they had increased to $2,439,-064, or at the rate of 138·9 per cent. At the same rate its imports from countries beyond the Dominion should have increased from $1,801,935 in 1872 to $4,304,824 in 1884, which at the present average tariff (free and dutiable combined) of 18·64 per cent, would give a customs revenue of $802,-419.

METHOD 3.

It is a well-established principle that the imports and exports of a country bear a reasonable relation to each other. The imports of the island for the ten years preceding confederation aggregated in value £3,543,147 sterling. The exports in the same period £2,559,091 sterling, showing that the imports exceeded the exports by about £100,000 sterling, or $500,000 annually. The imports of the Dominion for the last seventeen years aggregated in value $1,732,983,486; the exports in the same period, $1,390,946,803, showing that the imports exceeded the exports by about $20,000,000 annually or in the same proportion, according to the population, as the imports of Prince Edward Island exceeded the exports in the years already quoted.

The exports of the island have steadily increased during the last 25 years. In 1861 it exported to all countries goods valued at $793,810, which had increased in 1872 to $1,497,058, or at the rate of 88¾ per cent.

In 1872 the island exported to countries beyond the Dominion goods valued at £722,333, which had increased in 1884 to $1,310,039, or at the rate of 81⅓ per cent. Apply this rate increased to the Island's imports from countries beyond the Dominion in 1872, and we have as a result for 1884, imports valued at $3,267,509.

But the figures, contained in the Dominion Trade and Navigation Returns, do not represent the total exports of the island to countries beyond the Dominion, inasmuch as a considerable proportion, being shipped through Nova Scotia and New Brunswick territory, is credited to the exports of those provinces. The annual export of horses from the island to the United States is not less than 1,500, valued at $150,000. The Dominion returns for 1883-84 credit the island with only 256, valued at $27,486. This is but one instance of many. A considerable part of the large trade which the island does in eggs with the United Stares, is credited to New Brunswick, while fish and potatoes, which are largely exported to Newfoundland, St. Pierre, and the West Indies, are much of them credited to Nova Scotia, being shipped by way of Halifax. In view of these facts, it would be within the mark to estimate, as indeed the committee of council admit, that the island's foreign export trade has doubled since 1872. Apply the same rate of interest to its imports from countries beyond the Dominion, as they stood in 1872, and we have as a result, for 1884, imports valued at $,603,371, yielding under an $18\frac{94}{100}$ per cent tariff, an annual revenue of $671,668.

The exports of Prince Edward Island, since confederation, have increased in a much larger ratio than have those of the Dominion, as the following figures will show.

The total exports of the Dominion for 1871-72 were $82,939,683, for 1883-84, exclusive of the island, $90,066,437, or an increase of only $9\frac{1}{17}$ per cent as against 100 per cent, by which the island's exports have increased in the same time. To recapitulate the results of the various methods:

| | |
|---|---|
| Method 1 | $695,301 |
| Method 2 | 802,419 |
| Method 3 | 671,668 |

Average annual contribution by the island from customs and excise, $713,129, to which add interest on the sum claimed as island's share of fishery award (less amount expended for fishing bounties, $8,569) $41,430. This sum of $764,559, the undersigned submit, should be accepted as closely approximating the annual contributions of Prince Edward Island to the Dominion exchequer, and is much more likely to be within than in excss of the amount.

Now, hon. gentlemen, these figures were prepared with the very greatest possible care. I prepared them myself and can vouch for their strict accuracy. Whatever deduction may be drawn from them, the figures in themselves are right, and they go to prove that Prince Edward Island contributed to the federal treasury in each of these years, as I know it does in every year, an amount equal, if not more, than what it receives in the way of ordinary public expenditure, to say nothing at all about the great public works to which we have been referring.

There is a second branch of this subject which has been presented to this honourable House by hon. gentlemen representing our province in years gone by. I refer to the terms of union which provide for the efficient steam communication winter and summer between Prince Edward Island and the mainland of Canada, and I want to say a few words upon the present aspect of that question, and in doing so it will be necessary for me to be somewhat historical and trace the history of the subject. It is to us a matter of very

great and vital importance, and the arguments I have been presenting to the House and the facts which I have been producing so far are laying, as I might say, the groundwork for what I am going to say with regard to communication between the island and the mainland and also with regard to the public works in the province of Prince Edward Island. The terms of union say the Dominion Government shall :

> Establish and maintain efficient steam service for the conveyance of mails and passengers between the Island and the Dominion winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.

I may say, as hon. gentlemen know very well, that one of the strongest arguments that were urged in Prince Edward Island against that province going into confederation, was that we were isolated for four or five or six months of the year, practically isolated as far as trade and commerce were concerned and almost isolated as far as social intercourse was concerned, and that under these circumstances it was impossible for the people of Prince Edward Island to compete on even terms with the people of the Dominion of Canada in manufactures and other things, that we would always be handicapped, and that on that account it was not in our interest ever to become a part of confederation. But at the time of the first offer of confederation, just as in regard to the matter of public works, there was not that knowledge possessed by Sir John Macdonald and his colleagues of the wants and the particular circumstances of Prince Edward Island which they did arrive at, at a later stage. They did not understand the question as well as they did later, and there was no provision in the Quebec resolutions for efficient steam communication between the island and the mainland in the winter season ; in the original terms of confederation there was no offer of this kind, and no provision that Prince Edward Island should be indemnified for the great public works being carried on in other parts of Canada ; but both these points were embraced and contained in the terms of confederation in 1873. Now in the early part of confederation Canada did not appear to understand the difficulties. The old steamer called the "Albert" was placed on that route ; she was unfit for it—fit only for carrying wood and totally unfit for passenger service. She was on this service for years to the extreme disgust of the people of the province. But later on in 1875 or 1876, the Mackenzie Government then in power made an honest contribution to the solution of this question by putting the steamer "Northern Light" on, which was an experiment, an honest experiment, but she did not prove at all suitable for that purpose. She was not the construction or design of a very great genius, and the result was that although she did more than many people believed to be possible under some circumstances, she failed completely to furnish that communication which the people of the province had a right to expect. Years passed on, and a change of government took place and still the "Northern Light" ran for some time on that service and it was not till the year 1886 that the Provincial Government made very strong representations, both in Ottawa and London on the subject, and the Dominion Government took the matter up in earnest and built the steamer "Stanley" which has since been carrying on this communication. I feel it is only right and proper that I should say in this place that the steamer "Stanley" is a wonderful boat. She is well constructed and designed, and she has accomplished a good deal and great credit is due to the Government who put that steamer "Stanley" on the route as a fair and valuable contribution to the solution of this great question. And I will say in this place that the captain of that boat is as good a man as ever stood on a deck anywhere—Captain Finlayson. He is a man in whom the people there have the most unbounded confidence, and he has shown during his long service that he is possessed of prudence, coolness, care and an ability to conduct that service which very few men are possessed of, and I think I would be doing wrong if I allowed this occasion to pass without saying these words in favour of Capt. Finlayson of the steamer "Stanley" and I hope the hon. leader of the House will bear what I am saying in mind, which will be corroborated by the people of Prince Edward Island and the thousands of people who have availed themselves of that means of communication with Prince Edward Island and who have learned the value of Capt. Finlayson's services, and that ere long some recognition of his services will be given in the way of an increase of his very small salary, in consideration of his long and valuable services.

But notwithstanding the capacity of that steamer "Stanley" and the fact that she was well-manned and that she has done all that could reasonably be expected of her, it is not a satisfactory service. There are circumstances attending that service which will come up almost regularly, difficulties crop up and the communication is interrupted in so many ways and in so many I might say annoying ways that the people of Prince Edward Island are very far from being satisfied with the service. I will read a short extract from the report of the deputy Minister of Marine and Fisheries for 1892, pages 50 and 51, speaking of the service of the "Stanley" which shows how far the service is from being continuous and efficient:

The continuity of the "Stanley" trips was broken at various periods during the season by heavy drift ice in the Straits of Northumberland. On the 5th of January, 1891, the vessel left Georgetown, but did not arrive at Pictou till the 7th. On the 8th she left Pictou, but did not arrive at Georgetown till the 10th. She left Pictou on the 16th February, but did not arrive at Georgetown till the 28th, being 12 days fast in the ice, which was the heaviest known for years. Arriving at Georgetown on the 28th February the steamer was laid up till the 13th of March, for the purpose of cleaning her boilers. From the 30th of March to the 3rd of April, the "Stanley" was prevented by heavy ice from reaching Pictou. On the return trip heavy ice again interfered, and the steamer was two days reaching Georgetown. From the 6th to the 8th of April she was at port in Georgetown, unable to proceed to Pictou owing to heavy drift ice. The total number of days lost during the season from heavy packed ice and gales was 29; while 14 days were occupied in cleaning the boilers at a season when it is almost impossible to keep up continuous communication unless the winter be very mild.

In the year 1891 the Government of the province of Prince Edward Island brought this matter to the attention of the Government of Canada in another form, by the Hon. Judge McLeod and myself, and a memorial was presented in that year setting forth the claims of the province to some extent as I have tried to present them this afternoon, and the result of that was that an Order in Council was passed on January 21st, 1891, which I will take the opportunity of reading to this House. I might say that during this time the matter had been carried to England and that a despatch from Earl Granville had been received, an extract from which I will read before I proceed any further. Lord Granville after having received the deputation sent from the provinces in the year 1886, and after having received communications from the High Commissioner on the subject and having had many interviews and conferences with the the delegates and Sir Charles Tupper sent a despatch to the Marquis of Lansdowne on the 30th March, 1886, winding up with the words:

The establishment of constant and speedy communication by rail would be a great advantage both to the province and to the Dominion, and I should suppose that the development of the traffic on the island railroads and of the capabilities of the province generally, would produce a large direct and indirect return on the expenditure.

It would reflect great credit on the Dominion Government if after connecting British Columbia with the eastern provinces by the Canadian Pacific Railway it should now be able to complete its system of railway communication by an extension to Prince Edward Island,

And it was after this despatch from Earl Granville was received that the "Stanley" was put on, and after the long discussions which had taken place upon the subject that the Government of Sir John Macdonald, in the year 1891, passed an Order in Council from which I will read an extract. By this time the tunnel question was brought to the attention of the Government, and it was in relation to the tunnel question and such arguments as I have advanced that this order was passed:

The sub-committee without going at this time into the question as to whether the Dominion has or has not fully carried out its obligations towards Prince Edward Island in regard to maintaining continuous communication between it and the mainland * * * * * recommend that the memorialists be informed that the Government will assume the cost of procuring the required data and obtaining an estimate of cost of construction from Sir Douglas Fox, the whole not to exceed $1,650 and that a sum be placed in the supplementary estimates for the current year to cover that amount and that when that report is received the memorialists should be invited to revisit Ottawa and confer with the Government further on the subject.

As a result of this Order in Council the matter was referred to Sir Douglas Fox, an eminent engineer in England, and a very careful examination was made by an engineer in his employment, also aided by a local geologist, Mr. Baine, a man of great information in regard to the geology of the Maritime Provinces. The result of this inquiry will be found in the report of Sir Douglas Fox. That report is based as regards the location of the tunnel, and as regards the strata and the possibility

of the tunnel penetrating ground under the Straits of Northumberland, to a very great extent on Mr. Baine's reports, and these reports have the endorsation of Sir William Dawson, than whom we have not a greater authority in Canada on subjects of this kind. In this report, which I have said was the result of a very careful examination of the straits by an engineer in the employment of Sir Douglas Fox, by a very careful examination by Mr. Baine, corroborated and sustained in his conclusion by Sir William Dawson we have estimates made of the cost of this tunnel, and the result of these inquiries as far as they go is that there is under the Straits of Northumberland a kind of material which is admirably adapted for the purpose of tunnelling and the tunnel need not go so far down as to touch the great carboniferous deposit at the bottom of the red sandstone formation at all which was understood to be dangerous if it should require to go so far down. This tunnel can penetrate the Straits of Northumberland passing through beds of shale and nothing is understood to be better by scientific men for purposes of tunnelling than these beds of shale because they are impervious to water and it is easy to bore through them and with the exception of small leads of red sandstone through these beds there is nothing but shale from side to side. I will here quote Sir William Dawson's words:

> I beg to say that I have read and examined the report and section prepared by Mr. Baine with reference to the proposed tunnel from Carleton Head to Cape Tourimain which you were kind enough to show me, and that, from my knowledge of the geological structure of the locality, I have no hesitation in stating that I believe the report and section fairly represent the character of the beds to be penetrated by the proposed tunnel and that these will not present any serious difficulty, the ground being in fact as favourable as could be desired for such a work.

The opinion of Mr. Baine corroborated by Sir William Dawson is that there will be no difficulty of a serious nature in constructing a tunnel under the straits, and Sir Douglas Fox is of the same opinion. Sir Douglas Fox is the engineer who achieved the Mersey tunnel in England, and he received the honour of knighthood on account of the great service he had rendered in building that Mersey tunnel. Sir Douglas Fox has also had very great experience in other works of a similar nature, and the result of his examination is that he estimates (allowing for contingencies) that a tunnel of a limited gauge of 11 feet—suitable, however, for the purpose of admitting cars of a 3 feet 6 inch gauge railway such as the Prince Edward Island Railway is, but with rolling stock of a somewhat different form from that now in use can be constructed at a cost of $5,376,000. This tunnel would not of course put the island railway in communication with the railways of the Dominion without transferring freight, as the island railway has a 3 feet 6 gauge and the capacity of this tunnel would be such as to allow only cars of that gauge to pass through it. There would of course have to be a transfer at Cape Tormentine which would be a considerable disadvantage. I think a tunnel of that gauge would fairly meet the requirements of Prince Edward Island. Sir Douglas Fox estimated that a 16 foot tunnel which would be sufficient to accommodate the rolling stock of the continental gauge of 4 feet $8\frac{1}{2}$ inches would cost $8,895,000, and he made a further estimate that a tunnel of 18 foot diameter would cost $11,262,500. I will admit fairly and candidly that all of these amounts are considerable ones. Even the smallest is a very considerable one and it cannot be expected that the Government would enter upon this work without having taken very great care and precautions to ascertain what they were doing, the full cost of the work and the prospect of its ultimate success. But I think the information that has been obtained on this question up to the present time is of such a nature as would warrant the Government in going further and carrying out some of the other suggestions of Sir Douglas Fox. One suggestion has indeed already been acted upon. Mr. Baine and Sir Douglas in their reports say that borings should be had in order to test the accuracy of the calculations as to the nature of the strata and the absence of danger from percolation of water from these seams of red sandstone that are found to run through the shale beds of the Straits of Northumberland. The Government very fairly have undertaken these borings. They have not been successful in completing them as we had hoped they would by this time but we have the answer of the leader of the House that the borings will be completed and the additional sum of money will be voted this session that will carry out those borings and when that is accomplished it will be fairly known whether Mr. Baine's opinion as regards the strata

will be fully sustained or not. When that is ascertained as will be observed by perusal of Sir Douglas Fox's report he recommends another step—the sinking of a ventilating shaft for this tunnel. He proposes to place it on the island side near Carleton Head and his proposition was that after the borings were effected a shaft should be sunk at that place which would secure a face for the tunnel and test some scientific questions necessary to be solved in the construction of this work. The Government have fairly carried out their promise with regard to the borings. They will have the result of these borings at their disposal this present summer and the people of Prince Edward Island will then expect if these results are found to be entirely satisfactory and corroborative of Sir Wm. Dawson's, Mr. Baine's and Sir Douglas Fox's opinions that it will be in order to take one step further and sink this trial shaft at Cape Carleton as suggested in Sir Douglas Fox's report. Before taking my leave of the subject, perhaps hon. gentlemen will permit me to say that I have noticed with some concern that Sir Douglas Fox's report was not ordered to be printed by the Committee on Printing of Parliament. It was laid before the House of Commons. I think it must have been an oversight or perhaps a difficulty arose from the fact that there were plans and maps connected with it that it would be almost impossible to put on the sessional papers of the House. No doubt the difficulty of placing these on record influenced the committee against publishing the report, but I feel that it is a great pity and places every gentleman who takes an interest in this subject at a very great disadvantage that this report cannot be used for reference. In order to get this report—and it is not very long and the plans connected with it are not at all important to the ordinary student of the question, while the body of the report itself is a matter of the greatest importance to the House—I will read it to the House, or let it be accepted as read, and let it appear in the debates. The subject is of very great importance to the people of Prince Edward Island, and to the people of the Dominion as a whole. They have been carefully looking into and considering it and for the purpose of facilitating future discussions and assisting the Government and members of Parliament and the people generally to correct conclusions upon it it is desirable that this report of Sir Douglas Fox, which has cost the Government of Canada $1,660, should appear in our debates and be on record for the purpose of reference.

Hon. Mr. VIDAL—I should think the Printing Committee would order it to be printed.

Hon. Mr. FERGUSON (P.E.I)—This report has never been presented to the Senate, but it has been presented to the House of Commons. I suppose I could ask the hon. leader to present it to the House and for that purpose put a notice on the paper and it should be brought up regularly.

Hon. Mr. POWER—This document having been laid on the Table of the House of Commons has probably been referred to the Printing Committee and dealt with by them or will be dealt with by them before the end of the session.

Hon. Mr. VIDAL—If the printing of it has not been sanctioned very likely it is on account of the expensive character of the maps, but if the hon. gentleman thinks the report without the maps would be sufficient I have no doubt as a member of the Printing Committee that they would recommend it to be printed.

Hon. Mr. BOWELL—If it were laid before the House of Commons it was referred to the Printing Committee and they declined to print it. If the hon. gentleman will put a notice on the paper asking to have it laid on the Table then it can be produced and referred to the Printing Committee to be printed.

Hon. Mr. FERGUSON (P.E.I.)—I will take the hon. leader's suggestion. We will be perfectly satisfied to have it printed without the maps. I wish now to say a few words on the advantages which the tunnel would confer on the people of Prince Edward Island and also on the neighbouring provinces of New Brunswick and Nova Scotia. In fact a work of such magnitude could not help being of some interest at least to the people of Canada whether they live on the Pacific Coast, in the central part of the country or down in the Maritime Provinces. The tunnel, if carried out, would vastly stimulate the commerce and material

prosperity of Prince Edward Island. I would just take one article which we export in very considerable quantities—to illustrate the advantages which this tunnel would be to us. I find, by referring to the custom-house returns covering a period of seven years, that the farmers of Nova Scotia, by the sworn valuations that are made at the customs, received over 58 cents per bushel for their potatoes and the farmers of New Brunswick, taking the customs valuations as my guide, received 42 cents per bushel for their potatoes while during the same seven years the average price in Prince Edward Island during the same period was less than 25 cents per bushel. It will be found that the farmers of Prince Edward Island received less than half for their potatoes that the farmers of Nova Scotia received for theirs and very much less than the farmers of New Brunswick received for theirs.

Hon. Mr. POWER—It may be that the potatoes are not quite so good.

Hon. Mr. FERGUSON (P.E.I.)—I think as a native of the Maritime Provinces my hon. friend knows very well that the potatoes of Prince Edward Island are famous for their good quality. Prince Edward Island possesses a soil in which they can be grown in very great abundance and at a cheaper cost than in any other portion of the Dominion.

Hon. Mr. KAULBACH—Why do they not ship them to Nova Scotia?

Hon. Mr. PROWSE—Because they would be frozen at that time of the year.

Hon. Mr. FERGUSON (P.E.I.)—We do ship them to Nova Scotia. The state of matters is this—the western counties of Nova Scotia ship their potatoes abroad and we supply the eastern part of Nova Scotia with potatoes and I believe we supply a great deal more potatoes to Nova Scotia than Nova Scotia exports to other countries. But owing to the geographical situation and other circumstances, we are naturally the suppliers of the eastern part of Nova Scotia including Cape Breton and Halifax, while the western counties of Nova Scotia from their proximity to Boston and the West Indies send their potatoes there. But whatever country the potatoes find their way to ultimately, whether the West Indies or the United States, the average price in Nova Scotia has been over 58 cents a bushel while the average price in Prince Edward Island was 25 cents a bushel. I am free to admit that the difference is not all to be accounted for by difficulty of winter communication. The western ports of Nova Scotia are nearer to Boston and the West Indies and have better facilities to reach those markets, but the great difficulty that arises is that we have to put our products all on the market within three or four weeks. Our season of harvesting potatoes extended from the 1st to the 15th October, and from that to the period of severe frost and frozen harbours is a very short one indeed and our potatoes have to be sent to the market very often in an immature condition, and the only markets available to us are glutted at that season of the year mainly owing to the fact that we have to send all our potatoes at that time. Another reason is that potatoes having to be sent mostly by sailing vessels freight is very high in the fall and we have to pay sometimes 20 cents a bushel on freight to American ports. The fact that we have to ship all our potatoes in a hurry at one time of the year and in a state not suitable for marketing at all, that insurance and freight run very high at that time of the year, the net price which we get for our potatoes is very small compared with what the other provinces receive. The census returns show that Prince Edward Island raised in 1881 over six millions of bushels of potatoes. The figures for 1891 are not yet available. I may say further that the quantity that is sent abroad for market depends entirely on the price. When the price falls much below 20 cents a bushel these potatoes are consumed at home. They are not a very profitable article for food on the farm but as a matter of necessity they are consumed at home and it is only when the price rises high enough to send them abroad that a large portion of our crop goes abroad at all. In 1883 it was found that nearly two millions of bushels of potatoes were sent from the island to the United States and to Nova Scotia. Even by the Trade and Navigation Returns it will be found that in many years the exportation of potatoes from the island to the United States was from one million five hundred thousand to one million seven hundred thousand bushels, and from the fact that in 1881 no less than six millions of bushels of potatoes were produced in the

island if the price were equal to the prices in other provinces, the production of potatoes in the province would very largely increase and the necessity of shipping potatoes in the fall of the year under unfavourable circumstances would pass away and our potatoes would go to market as the potatoes of the other provinces do gradually as the market calls for them. I would not take up the time of hon. gentlemen in arguing the advantages of a tunnel to the business of the country. Those advantages are so self-evident that there can be only one opinion on that point. I will pass for a few minutes to another point—what would it cost the Dominion of Canada to undertake the construction of this tunnel? What would be the cost to the Dominion in the end? My contention, as I have already put it forward, is, supported as I am by the opinion of Sir Charles Tupper and other eminent men who have information on this subject—if the tunnel were built the loss on the operation of the Prince Edward Island Railway would be wiped out, and material gain would be made in the earnings of the Intercolonial Railway as well, because a vast amount of the trade of Prince Edward Island that now goes by vessels to the United States and St. John and Halifax and a number of other places would then go by this tunnel. An enhanced trade would result and the wiping out of the loss on the Prince Edward Island Railway might be considered as one of the advantages to the tax-payers of the whole Dominion. The average loss on the operation of the Prince Edward Island Railway has been $79,896 per annum. There is another item we might consider in connection with that—the expense to the Government of Canada in maintaining the present ice boat service and the steamer "Stanley." That would be saved. It is not easy to get very exact figures on this subject, because the "Stanley" is used in the summer season for the fisheries protection service, and the accounts are not kept separate to show what portion of the expense can be charged to maintaining communication with the mainland. This information may be in the Public Accounts, but I have not been able to get it. I have made a liberal allowance, and I think $15,000 would represent the correct amount which would be saved to the revenue of Canada. This steamer, which was bought for the service, and which, in all the discussions which have taken place, is fairly charged to this service could be used for other purposes, and the interest on the cost would represent a saving of $5,438. We lose through depreciation, which I have put down at 10 per cent, about $14,359 a year. Of course, the Government does not insure the steamer at all, but that does not make any difference—they are carrying the risk, and any business man will tell you that if you are carrying a risk, you have a right to put down an item for insurance, because you do not know how soon you will be overtaken by a loss. I put down 10 per cent for insurance, which is not too much, as the vessel has to undertake a particularly hazardous service, that represents another amount of $14,359. Calculations which were made by the Hon. Judge McLeod and myself some three years ago on the subject show that the net earnings of the tunnel would be probably not less than $100,000 yearly. I made an inquiry in the year 1883 in order to throw light on a subject which at that time we were discussing between the Government of Canada and the Local Government of the province to ascertain what the actual trade of the island with all the world was that year and found that without including goods that came in small craft from the other provinces, in boats of dimensions that did not call for an entry at the custom-house at all (and there is considerable trade of this kind on all the south side of the island) we found that $3,470,000 worth of goods of all kinds were imported to Prince Edward Island that year. I estimate that an equal quantity would be exported. Now that was 10 or 11 years ago and the trade of the province has increased greatly since then. With the progress made in the interval and we may set down that under the influence of this tunnel there would be a very large increase in the exports of Prince Edward Island and I think it is not too much to say that the earnings of this tunnel would be at least $100,000 a year.

Hon. Mr. POIRIER—Net earnings?

Hon. Mr. FERGUSON (P.E.I.)—Yes, because the working expenses of the tunnel would not be much at all. It was proposed by Sir Douglas Fox that communication through the tunnel should be made by electricity and it was thought

that the working expenses would not be very great, but after making a liberal allowance for the working expenses it was estimated that $100,000 a year which the people of the island would willingly pay in tolls would represent the earnings of this tunnel and would go towards the expense of its construction. We place interest on the amount of $2,171,318.18, which I have shown hon. gentlemen is due Prince Edward Island, in a matter ofpublic works without including allowance for interest. Hon. gentlemen will remember that the conclusion I arrived at in the early part of my speech was that in order to put Prince Edward Island on an equality with other provinces $2,171,318.18 might properly be expended on public works in Prince Edward Island. Interest on that at 4 per cent would be over $86,000 a year, so that all these items added together amount to $315,814.

| | |
|---|---|
| Loss on Prince Edward Island railway, average since 1873 | $ 79,806 |
| Excess of expense over income in winter service.... | 15,000 |
| Interest on cost of tunnel... | 5,438 |
| For depreciation, 10 p.c.... | 14,459 |
| For insurance, 10 p.c..... | 14,359 |
| Net earnings of "Stanley".. | 100,000 |
| Interest on $1,796,826.22 at 4 p.c..... | 86,852 |
| | $315,814 |

This at $3\frac{1}{6}$ per cent would represent a capital of $10,000,000. These figures may be opento criticism, but I think they are accurate and the result of those calculations is that Canada might construct a tunnel even at a cost of $10,000,000, and in doing so, there would be no loss to the people of Canada beyond putting Prince Edward Island in a matter of public works in a position of equality with that which the other provinces of Canada occupy from the Atlantic to the Pacific at the present time. In connection with this and before taking my leave of it I might say this: I am not sanguine enough nor am I unreasonable enough to say that that tunnel should spring into existence like Aladdin's palace, and that the people of the island should wake up one of these fine mornings and find it completed from one side to the other, as if by magic. We do not expect anything of the kind. We expect the work shall be approached as it has been approached in a reasonable manner by the Government, that the best information available shall be got on it, and that step by step it should be advanced just as it is found to be practical and no further. But I would take this ground in connection with that position that all this will necessarily involve considerable time. Time has already been spent in the discussion of it, not lost I will say nor thrown away. There will be more time taken and that time will not be lost or thrown away, but while that is going on I would ask my hon. friend the leader of the House, and my hon. friend the Minister of Agriculture to remember Prince Edward Island during those years we may reasonably expect to pass before this tunnel is completed, seeing it will take five or six years to build it from the time the machinery starts. During these years I trust the hon. gentlemen will remember Prince Edward Island (because eight or ten or twelve years is a considerable period in the life of a country as it is in the life of an individual) that during that time they will do something for Prince Edward Island in regard to putting her in an even position with the other provinces in regard to public works.

Hon. Mr. POIRIER—What about the subway?

Hon. Mr. FERGUSON (P.E.I.)—Why the tunnel is only a child of larger growth. It is only an evolution of the subway. To my friend, Governor Howlan great credit is due for the long assiduous labours he devoted to the discussion and elaboration of this question. At first he could only see men as trees walking as was natural with a man beginning the consideration of so great a question as that. He could not be expected to have the end entirely in view from the start. At the outset he proposed a subway which was then engaging a great deal of the attention of engineers all over the world, but after the matter was reported to Sir Douglas Fox and Sir John Code, another very eminent engineer in England, with whom I had the honour of interviews, further light was thrown upon it, and afterwards the shield system of tunnelling, or what is called sub-aqueous tunnelling, was found to be almost as cheap as the plan Senator Howlan proposed in the first place, which was a cast iron or metallic subway laying upon the foundation of the straits.

Hon. Mr. DEBOUCHERVILLE—They are now proposing to carry a subway between England and France.

Hon. Mr. FERGUSON (P.E.I.)—It may be, notwithstanding all these eminent authorities, as my hon. friend says, they are proposing now to adopt the subway principle between England and France, but this is a little misleading, because these terms subway and tunnel are sometimes interchangeable terms. They are called subways where they are built of iron, although they are entirely under the earth. My hon. friend says that in the proposed tunnel between England and France they are going on the plan where the metallic tube rests on the bottom of the sea, and where the earth is not pene trated at all. However, that may be, these are questions for engineers and Governments to deal with, and we are not wedded to one plan or another. All we want is that something practical should be done, and that the right way to solve the question be arrived at whether it is by means of a subway or tunnel, but I was just saying when I was asked, and very pertinently, by my hon. friend here (Mr. Poirier), to explain about the subway, I was pointing out to my hon. friends, the members of the Government in this House the importance of considering in the meantime the claims of Prince Edward Island in the matter of public works. There is a very large section of Prince Edward Island extending from Charlottetown southward through what is known as the Belfast and Murray Harbour Districts, about 55 miles of an extent of country that is not benefited or penetrated in any way by the Prince Edward Island Railway. I think I am within the bounds of truth when I say that there is not a better tract of country in the whole Dominion than that district. Every inch of land is occupied by a thrifty, hardy industrious class of settlers and they have very poor harbours on the greater part of their coast, and it would be a comparatively small matter in the years that will necessarily elapse before the Government takes up this matter (as I hope it will take it up) will be called upon for any large expenditure in connection with it, and hon. gentlemen know that in those many years that table of expenditure in other parts of Canada as presented to the House will go on increasing year to year. We know to-day there is a very extensive proposition to connect Ottawa with Georgian Bay. We know there are many canal improvements which are desired to be carried out. I have no fault to find with them, but during the years that must necessarily elapse before this tunnel question could be finally dealt with the Government should consider the claim of Prince Edward Island to the construction of a railway in that province, inasmuch as Prince Edward Island has not received any benefit or advantage from the railway policy of the Government. I find no fault with the Government in building a railway in Cape Breton. I have never had an opportunity of setting my foot in the Island of Cape Breton, although I have been all over the rest of Canada and very much through the other provinces, but I was proud and pleased when the Dominion Government took the responsibility of building that Cape Breton Railway and putting our sister island in the position which she ought to be placed in. I know that Cape Breton had not received railway benefits and justly complained, and although the railway policy of the Dominion had benefited Nova Scotia, as a whole Cape Breton had not received fair consideration. But you can take down this fact that in Prince Edward Island which is at least equal in fertility to Cape Breton although not possessed of the same mining resources (but take it all round we compare favourably with them) that we have a railway which has been paid for by our own money while Cape Breton has a railway built by the Government its entire length of equal cost with our railway. I am not finding fault. Cape Breton has received nothing but what is right and fair and I only ask that Prince Edward Island should be treated in the same fair and liberal manner. With regard to the moral and political advantages of a tunnel I might say that although I have been myself strongly favourable to keeping up the political autonomy of our province as a member of this confederation, I am always proud that Prince Edward Island is a part of the great confederation of Canada. I have always taken that view but I will go further and say that if a tunnel were built Prince Edward Island would cease to be an island at once. It would become practically a part of the main land of the Dominion—there would then be no object in keeping up political distinctions and it would pave the way to the union of the Maritime Provinces and also would be very advantageous to the good government of Canada as a whole. I have to thank you, hon.

gentlemen, for the attention you have given me. I know I have spoken at too great length but you will excuse me. I feel warmly, and I know the people I represent feel warmly on this question and I would not have done my duty if I had not gone over the ground and presented these views to you on this occasion.

The motion was agreed to.

## THIRD READINGS.

Bill (77) "An Act to incorporate the Dominion Gas and Electric Company."—(Mr. Bernier.)

Bill (74) "An Act to incorporate the Ottawa Electric Company."—(Mr. Clemow.)

Bill (75) "An Act respecting the Chaudière Electric Light and Power Company (Limited)," as amended.—(Mr. Clemow.)

Bill (125) "An Act further to amend the General Inspection Act," as amended.—(Mr. Bowell.)

## INSOLVENCY BILL.

### IN COMMITTEE.

The Order of the Day being called,

The House again in Committee of the Whole on Bill (C) "An Act respecting Insolvency."

Hon. Mr. BOWLLL said: In moving that the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole on the Insolvency Bill, I wish to take advantage of this opportunity to set myself right on a matter which occurred the other day, I have felt somewhat keenly about the very idea that any hon. gentleman of the Senate should have supposed for a moment that I would have insisted upon violating any arrangement into which we had mutually entered in connection with the discussion of this bill. When I called the attention of the House to the rule in reference to the discussion of the principle of the bill in committee, I had not the slightest intention of attempting to prevent any hon. senator discussing the principle of the bill at the proper time, which would be in going into committee on the reception of a report, or on the third reading, or at any other stage of the measure. My only object was, while we were discussing a particular clause of the bill then before the House in Committee of the Whole, that we should confine ourselves to the clause and whatever principle might be involved in it. That was the only intention I had, and my remark was not made with any view of preventing the fullest and widest discussion that could possibly take place upon the great principle involved in the Insolvency Act. If you read the remarks made by the hon. gentleman from Albert and note the position that he took, while reserving to himself the right hereafter to take such course as he might think best in accord with his own individual opinion as to the effect of the bill upon the community, that it will bear out exactly the position I have held. The hon. gentleman said:

> I take it to be understood, after the expression of my hon. friend from Amherst, which has not been dissented from, that we may go on and pass the second reading, and after that discuss the details of the measure without being absolutely committed to its principle. The importance of a Bankruptcy Act seems to be acknowledged.

In reference to that point the same course was indicated by my hon. friend from Monck in his remark, where he said:

> I hope the leader of the Government will not push the bill through the House too rapidly.

And then he went on to indicate what he thought ought to be done and what course he himself would pursue hereafter. Then again in reference to a remark made by my hon. friend from Alberta:

> I see nothing in the rule to which my hon. friend refers that binds any member of the Senate to the principle of the bill. He does not say that in passing the second reading you even affirm the principle. The rule says the principle of the bill is usually adopted on the second reading. That is what you have done to-day and many of you have expressed strong opinions against the principle of the bill, but I hope when we come into committee that the House will accept it and will let it become law.

Taking the whole debate together, I think the House will come to the conclusion that I did not interpose—and I assure the House I had no intention of interposing—any obstacle in the way of discussing the bill upon its merits, whenever it reached the stage at which that could be properly done within the meaning of the rules of the House. I noticed, that some hon. gentlemen were under the impression that an understanding had been come to and that the remark that I made in reference to the rules of the House applied to the hon. member from Monck and was an attempt to prevent

further discussion on the question, and I think it only right that I should make this explanation in justice to myself and in the hope that no member of the House should think that I would take advantage of a technicality in order to prevent a full discussion of the measure.

Hon. Mr. DICKEY—I am disposed to accept the explanation which has been made by the hon. leader of the House that he had not intended to violate any understanding that was arrived at, but what struck me was the position which he laid down when the hon. member proposed to discuss the principle of the bill. The hon. member had gone so far as to say that he was willing to reject it, when he was brought up with a round turn by the leader of the House who said that this was not the proper time to discuss the principle of the bill. Then it became necessary for us to refer back to what had been agreed upon at the second reading. If the intention of my hon. friend, in the course that he took then, was merely to say that we were at liberty to discuss the principle of the bill at any future stage and not in committee, he was making no concession at all, because the rules of the House permit us, without any consent on the part of the person in charge of the bill, to discuss the bill at any stage whatever. At the second reading, in order to carry out the views of the promoters of the bill and to get it advanced a stage, I took the responsibility of suggesting, and I induced others who were opposed to the principle of the bill, not to take any steps against it at that stage, and on what ground? That the bill was to be referred to a special committee in order to report an amended bill. We have been told repeatedly, and I need not go into detail to show it, that we have got a very different bill now from the one that went to that committee, and therefore I could have arrived at no other conclusion than that we were at liberty at any stage of that bill which was reported from the committee to discuss it, and if we were not so at liberty, the understanding arrived at when the bill was read the second time simply amounted to nothing at all. The measure as it stands now was not subject to the second reading, but was brought into committee of the whole with a view to a full discussion, and on that occasion, when the bill was before the committee, my hon. friend, as I understand him, objected to any question being raised as to the principle of the bill. I was surprised at that, because we had postponed that discussion on the principle of the bill in order to get the bill advanced a stage. When I say we, I mean those who are opposed to the principle of the bill. Although opposed to the principle of the bill, I was willing to give my very best assistance, humble as it is, to make it as perfect as possible. Under those circumstances, I felt that I was placed in a very awkward position, because I had induced my friends and some gentlemen who certainly were not political allies of mine, to take a course entirely the reverse to that they intended to take. I allude now to the hon. member from Albert. He was as much astonished as I was, because immediately after I asked the House to agree with that course, the House consented. He said that, in consequence of that suggestion of mine and in accordance with the understanding that he was to be at liberty to discuss the principle of the bill at any stage he felt himself brought up. He was in an awkward position, because if he was not at liberty to discuss the principle of the bill it was hardly worth while to talk about it; but besides that, I should like to call the attention of my hon. friend to this, that even in committee we are at liberty to discuss the principle of a bill, and the very best and most crucial proof of that is that any member of the committee, when the bill is before them, can move that the committee rise without reporting and the bill would be rejected. That is done often and it can be done on this occasion, and if so why was any hon. gentleman prevented from discussing the principle of any part of the bill? But besides all that, I must say that I was very much gratified the other day at the admission which the hon. leader of the House made, when in his usual courteous manner he said: "I am sorry this misunderstanding has taken place. There was no intention on my part to violate it, and I am now willing that the principle of the bill shall be discussed in committee." That is the position the hon. gentleman took the other day, and I do not know why it was necessary that we should get up a discussion on that point at the present occasion. At the same time, I freely say that I hope nothing that ever fell from me would induce any person to think that my hon. friend knowingly violated the under-

standing as he understood the arrangement on that occasion. I am quite sure he is incapable of doing anything of that kind, and I for one was incapable of believing he would do so. At the same time, I was surprised at the course that was taken, for I thought possibly my hon. friend had forgotten the arrangement. It is quite evident that he had, because he said immediately after: "I am sorry for this misunderstanding, and I am now perfectly willing that the principle of the bill should be discussed." I hope this little incident will create no further trouble, and that every hon. gentleman will have the opportunity of discussing the bill. The sooner we get at it, the better, because if the sense of the committee requires the principle of the bill to be changed, it is better the Government should know it. I do not know that I should say anything further except that the arrangement was made in perfect good faith. It was well understood all round the House, and the action that I took the other day in speaking on the spur of the moment was not suggested by any idea that the hon. gentleman would violate openly any understanding on such a subject.

It being Six o'clock the Speaker left the Chair.

## After Recess.

The House resumed in Committee of the Whole consideration of Bill (C) "An Act respecting Insolvency."

(In the Committee.)

Hon. Mr. McKINDSEY—When I moved the first amendment to subsection *a* of clause 2, I was actuated by a desire not to have the farmers included in the bill as it then stood. It was suggested by the hon. gentleman from Halifax, and I think by the hon. gentleman from Richmond as well, that my motion would more properly apply to clause 3. I have considered the matter since, and with the consent of the House I beg to withdraw my motion with a view to submitting a more comprehensive clause when clause 3 is considered. In doing so I assume that the hon. gentlemen from Richmond and Halifax will also withdraw their motions and let us commence on clause 3 as suggested.

Hon. Mr. POWER—I should be very glad to do so.

The amendments were all withdrawn and the clause was adopted.

On the 3rd clause,

Hon. Mr. McKINDSEY—I wish to make some explanation as to the position I assumed when I made my former motion. At that time I stated distinctly that I was not in harmony with the view that farmers should be included in the Insolvency law at all, and therefore when the bill was changed in the committee from traders and farmers and graziers to simply "debtors," I thought it was my duty then to try and make a change. Under this clause every debtor comes under the Insolvency law in a compulsory way. I felt it my duty as far as I could, to correct what I considered a bad feature of the bill. After considering the matter more fully, I have come to the conclusion, in order to meet the views of hon. gentlemen of this House who have expressed themselves on that subject that farmers should be included provided it was a voluntary act on their part. As far as the compulsion is concerned, I was then and now opposed to it, but if the farming community can be brought in so that insolvency on their part shall be voluntary, I have no objection, and for this reason, that 99 out of every 100 farmers in the country will not require this legislation at all. I feel sure that the 99 will not oppose a bill of this kind which is intended to give relief to the one. A very honest farmer may possibly, by having his farm buildings burnt with all his crops, as has occurred in Ontario many a time to my knowledge, or through sickness of himself or members of his family, become so embarrassed that it might be important that he should get relief and every one says that a farmer in such a case should have the benefit of the Insolvency Act in order to relieve him. Under the circumstances, I have come to the conclusion that the few farmers in the country who may be compelled to take advantage of this bill should have the opportunity of doing so if they think proper. Another view of this matter is that the insolvency law is made, not for the prosperous, but to relieve those who have become embarrassed. They may have had losses under peculiar circumstances and become insolvent, while perfectly honest in all

their transactions. It would be a pity to keep those people out, especially as it is intended for such people and not for the prosperous members of the community. I am satisfied that we all want this bill to be made law and our object should be to try and make it as satisfactory to the people of the country as possible. I therefore move that section 3 of the bill be struck out and the following substituted therefor :

For the purposes of this Act debtors are divided into two classes as hereinafter defined, namely, classes A and B, and the receiving order under this Act shall not be made in respect of the estate of a debtor included in class A on the application of such debtor, and the receiving order shall not be made in respect of the estate of a debtor included in class B on the application of a creditor of such debtor.

Hon. Mr. MILLER—That is as the bill was introduced.

Hon. Mr. McKINDSEY—That is an amendment to clause 3. I intend to follow that up with a classification of who shall constitute classes A and B. It will be clause four of the bill. Class A is defined to include persons engaged in trade, and class B such persons as farmers, graziers, etc. Persons included in class A, if in debt, may be put into insolvency, but persons included in class B shall only go into insolvency by their own voluntary action.

Hon. Mr. MILLER—This is a very important motion indeed. It completely undoes the work of the committee to which the bill was referred, and I think it is too important to take a vote upon it until it is printed and members are allowed an opportunity to consider it. For my own part, I am not prepared to vote upon it.

Hon. Mr. DEVER—I do not think the Government would accept an amendment like this without an opportunity to consider it carefully.

Hon. Mr. DICKEY—This resolution is very well as an expression of opinion, a sort of abstract resolution intended to be put in a concrete form, but it would be better to take up this clause with a view to practically decide whom you will make this bill applicable to. This clause says that the Act shall apply to all debtors. The bill as originally introduced was applicable to traders—that is the obligatory part. That was an intelligible classification, and is followed by provisions to carry out substantially the same view that has been expressed by my hon. friend who has moved this amendment. That is to say certain classes should not be put into insolvency except upon their own application. Therefore, this is a return to the principle of the original bill as introduced, and so far as that goes, I am entirely with my hon. friend. The bill as originally introduced in that particular, in regard to the persons to whom it was to apply, was a very much better bill than the bill as reported by the committee. I will therefore take the liberty of referring to what that bill was, and ask if it will not be more practical and convenient to take it up in its original words. The original bill was "This Act applies to traders as hereinafter defined." That is the first principle of it, and if we are going to make a clause, would it not be better to follow that and state that it shall be made applicable to "traders as hereinafter defined," and then define what those traders are, because the term traders will include exactly what we choose to say by a definition clause it shall be. That definition clause is given in clause five of the bill as introduced. The advantage of taking it up in that way will be this : there is a certain portion of this House, I do not say a majority who think this bill should be confined to traders only. Let us take a vote on that principle first, and then on the part "as hereinafter defined," and then we can make a definition which will include all that my hon. friend proposes to include, and if there are any persons left out of that definition they can be added by other hon. gentlemen or the persons who are opposed can be struck out. Then, with regard to the farming class and others of that character, they are provided for in this way :

But no receiving order under this Act shall be made on the petition of a creditor in respect of the estate of a farmer, grazier or rancher, or of a debtor not being a trader.

That would test the question whether the committee is disposed to include the farmer at all. If that point is settled, then you can settle the other point whether that shall be compulsory or only voluntary. I think we ought to learn something from the lesson of history, and as regards this Dominion I venture there never has been an insolvency law which included a farmer who was not a

trader. The Act of 1864, which I am told was the only Insolvency Act in Old Canada, did not include the farmers but applied only to traders. The Act of 1869 did not only not include the farmers but excluded them expressly, because as it said, "this Act shall apply to traders only." The Act of 1875, which followed that, only went a step further and included trade corporations and partnerships, which was all right, because they could not escape the consequences of an Insolvency Act by simply turning themselves into a limited company, and therefore they were included, but this is a new principle altogether which has been imported into the bill, which includes everybody. For convenience sake, instead of voting on an abstract resolution, we should take the bill as it is and amend it and make it applicable, if we choose, to traders only as hereinafter defined, and then take the fifth clause of the original bill as a basis of that definition and modify it as you like, and then you can get the question settled, but if we get differing about "A" and "B" and who shall be included in each class we will make no progress. The Minister of Trade and Commerce has not yet stated what course he is prepared to take, or what he would advise the committee to do with regard to it. I should like to hear whether there is any objection to my view of the case.

Hon Mr. MACINNES (Burlington)—I am not quite clear what we are considering, whether it is the resolution that has been placed in the hands of the chairman or the suggestion made by the hon. gentleman from Amherst, but I take it that the question we are considering now is the resolution which has been handed to the chairman by the hon. member from Milton. My own opinion, after giving the matter a good deal of consideration, is decidedly that we should have no class legislation whatever—that the classification should be debtors—everybody that owes a debt. I do not see any reason why the farmers should be excluded, and I have not heard any good reason yet why they should be. They are an intelligent class of people and understand their own affairs as well as anybody, and no class legislation is required for them. If you are going to give the farmer an option of availing himself of this bill or not, that is class legislation, pure and simple, which we should never countenance in this House. In Ontario there is an Insolvency Act which has been in operation since 1877 and there is not a word in it about farmers. They are not excluded, and I have yet to know that a single farmer has suffered hardship in consequence of the operation of that Ontario Act. On the contrary, I believe that it has worked very satisfactorily. I do not think it would be treating the farmers fairly to exclude them. They are entitled to the same privileges as all other classes of the community. I have been a long time in business and I have yet to learn of a debtor being oppressed by his creditors. On the contrary, they carry the debtor along and help him, and it is futile to say that the farmer is going to be ruined because he is brought under the operation of this bill. I do not think anything of the kind need be feared. In the province of Quebec there is an Insolvency Act, the operations of which are very satisfactory to the community. I do not know what the provisions of that Act are.

Hon. Mr. DICKEY—Does that include the farmers?

Hon. Mr. MACINNES—I do not know about the Quebec Act, but in Ontario the farmer is included. In the provinces of Nova Scotia, New Brunswick and Prince Edward Island they are without insolvency legislation.

Hon. Mr. DEBOUCHERVILLE—There is no insolvency law in Quebec.

Hon. Mr. BELLEROSE—It is under the common law.

Hon. Mr. MACINNES—In the province of Manitoba, they have no Insolvency Act, but they have a great many exemptions, such as are needed in a new country like that. If this bill passes, I do not see any reason why these exemptions should not remain untouched. Any which were unreasonable could be modified, but that is a matter of detail. I am decidedly opposed to any class legislation whatever, and the farmer has as much right to be brought under the operation of this bill as any other class of the community. They know perfectly well if they get into debt to a larger extent than they are able to pay, they must suffer the consequences. We have been told that the farmer will be ruined by the operation of this Act, that his farm will be taken away from him. That is not an easy thing to do.

It is much more difficult to take a man's farm away from him than to sell his dry goods or groceries. There are some members of the committee who are entirely opposed to an Insolvency Act of any kind. My hon. friend from Monck, in his usual frank and straightforward manner, has stated his opinion that there should be no Insolvency Act. I am sorry to differ from my hon, friend, but my opinion is entirely opposed to his. It is very desirable that the laws of this country should be uniform from one end of the Dominion to the other and that everybody should be treated alike.

Hon. Mr. KAULBACH—My hon. friend who makes this motion makes two classes of persons, traders, and another class which includes all debtors, and the latter class cannot be put into insolvency—with them insolvency is to be optional. That is contrary to the principle of any law that has ever been in existence in this or any other country. Insolvent law was slowly evolved out of the criminal code and was directed against fraudulent debtors. Former bankruptcy laws applied to traders only, because the circumstances of their business were totally different from the circumstances of others. Creditors of traders were regarded as partners in their speculations; all others, non-traders, were considered wholly responsible for their debts. To bring in the others it was thought would only encourage fraud and extravagance. I do not see why you should give to people who are not traders a preference over those who are traders. Traders are subject to contingencies which do not affect other classes of the community, and to say that more stringent rules should apply to them than to other debtors is contrary to the principles on which other insolvent laws have been passed. In England up to 1861, insolvency applied only to traders.

Hon. Mr. McKINDSEY—What does it apply to now?

Hon. Mr. KAULBACH—To every debtor, but it gives no preferences as you would give here to other classes over the traders. You propose to give a preference to the farmer over the man to whom the bankruptcy law was originally intended to apply. I cannot see why an ordinary debtor should be given a preference over a trader. My hon. friend says that the farmer may lose his buildings and crops, or sickness in his family may cause him embarrassment, but he is not more subject to those contingencies than other members of the community. The farmer's occupation is more healthy than others, and his buildings are not more liable to destruction by fire. My opinion is that this bill should be confined strictly to traders only, then hereafter, if the farmers desire to come in, let them say so, but if they come they should be included on the same terms as traders. Do not give a common debtor a preference over the trader, who is subject to vicissitudes in his business. He may be industrious, honest and frugal in his habits, and yet become insolvent through the failure of others who owe him. When you are giving the farmer a preference over the trader, you are giving it to the wrong person. If any preference is to be given it should be given to the trader. One of the many imperfections in our last Act was the want of an impartial and independent examination into the causes of each bankruptcy. Everything of that character was thrown on the creditors, who did not take the trouble to investigate matters.

Hon. Mr. McKINDSEY—I thought I had made myself understood when I moved my resolution and stated that after the resolution was passed I intended to submit the supplementary clauses which contained all the persons who were entitled to take advantage of this Act, and on submitting that the committee might strike out any persons or class of persons that they thought should not be entitled to it, or to add to the list. If the committee would allow the resolution to be read over and each item confirmed or struck out, it would shorten the matter very much. It is quite clear that my hon. friend from Amherst did not comprehend the object of this motion, because he refers to the bill as originally introduced, and when as a matter of fact the bill which is before us today is the bill that came from the committee, and that simply includes all debtors. What my hon. friend from Burlington says about the laws in Ontario and Quebec, it does not apply at all. In Ontario they have a law for the equitable distribution of an estate under an execution, and farmers and all others have to come under the law alike. The same proceeding has to be taken in all cases. The execution is put in the sheriff's

hands, and after it remains there a certain time he seizes the goods of the debtor and gives a notice to the creditors to prove their claims, and he makes an equitable distribution of the estate just as under the present bill. The difficulty of the law in Ontario is that there is no power to relieve a man after you take every dollar he has got, and there is where the necessity of this law comes in. I would prefer if the different provinces would adopt legislation similar to Mowat's Act, and then we would only have to pass a law here for the purpose of giving a discharge to these people after the distribution of their estates under the provincial laws. That would simplify our duties very much, but that has not been done, and you cannot get the provinces to do it. If it were done it would relieve this House from having a cumbrous bill like this, because it has all the machinery that they have to-day in Ontario up to a certain limit. As far as the farmers are concerned I am not distressed about them. Notwithstanding what the hon. gentleman from Lunenburg says, they are quite capable of taking care of themselves, but the difficulty with former insolvency laws was simply this—that they did not go far enough—they did not secure to the debtor a winding up process which was in his interest, and the law became obnoxious to people not only on that ground but on other grounds as well. The hon. member from Lunenburg says that the bill of 1874 did not include the farmers. I know it did not, but there was a feeling among the farmers and small dealers throughout the country that they should have been included in that Act. Now, when you are making a new Act, more stringent, for the winding up of insolvent estates in an economical way, I do not see any reason why you should not include everybody, but it is only proper and right that a class of men like the farmers should only be brought under the operation of that law by their own free will.

Hon. Mr. KAULBACH—That applies to all debtors though.

Hon. Mr. McKINDSEY—Notwithstanding I have made this motion, if that is changed so as to compel the farmers to go into insolvency, I would oppose it to the bitter end, because I know it would be unsatisfactory to that class of people. I cannot shut my eyes to the fact that through disaster the farmer may be brought into difficulty, and he should be allowed to take advantage of the Act as well as other classes of the community. If the hon. gentleman would place the matter in such a shape that I could put my second clause so that the House might deal with it, we would get at the matter in a business-like way.

Hon. Mr. McCALLUM—I have been spoken of as opposing this legislation altogether. My hon. friend from Burlington says this is class legislation. I agree with him entirely, and when my hon. friend is so anxious to protect the farmers by allowing them voluntarily to become insolvent, I say it is class legislation, and they do not want it. When this bill was first introduced, I said time would show whether I was right or wrong that the farmer was put in as a make-weight in order to make the bill popular in the country.

Hon. Mr. McKINDSEY—When?

Hon. Mr. McCALLUM — When the leader of the House introduced the bill. When my hon. friend tells us about the poor farmer, that he should be allowed to go into insolvency but not forced in, I say it is class legislation. He says the poor farmer's buildings may be burnt. Well, we have insurance companies in this country and the farmer's insure their farm buildings. If the people of this country wanted such legislation as this they would ask for it, but they have not asked for it, and we are forcing it on them and putting in the farmers as a make-weight to make the bill popular. You say it will be a great blessing to the people of this country if you give them an insolvency law—give them a chance to pay 66⅔ cents on the dollar and all expenses. Who is going to be relieved under this bill?

Hon. Mr. McCLELAN—The lawyers.

Hon. Mr. McCALLUM—Yes, but it is not our duty to come here to legislate in the interest of lawyers. I shall vote against every amendment and then vote against the bill.

Hon. Mr. POWER.—The members of this House may be divided into four classes with respect to their views on this measure. Some, represented by the hon

gentleman from Monck, think that we should not have an insolvency law at all. I do not propose to say whether I belong to that class or not just now, because I feel, to a certain extent, that by going into committee on this bill we have committed ourselves to the principle, and that an opportunity will be afforded later on, at another stage of the bill, for hon. gentlemen who are opposed to an insolvency law altogether to bring their views before the House. That is one class —those who are opposed to any insolvent law at all. There is another class who think that if we are to have an insolvency law it should be limited strictly to the class who have asked for it, that is, traders. There are a great many farmers in this country, and a great many others besides farmers, who are not traders, and I have not heard that there has been any one who can be supposed to represent any of those who has asked for this legislation. We have had requests from the boards of trade of certain cities asking, on behalf of the commercial men, that there should be an insolvency law. There is another class, and of that class the majority of the committee which had this bill under consideration was apparently composed, who think that all classes should come under the insolvency law, but that they should be all dealt with in the same manner. This bill contained a provision such as the hon. gentleman from Milton, now wishes to insert in it. When the bill came before the committee they considered that question fully and by a very large majority decided that they should follow the example of England and make the law apply to all classes in the same way. Then there is the fourth class, hon. gentlemen like the hon. member from Milton, who think that the people who have asked for this bill should be put in a worse position than any other section of the community. The hon. gentleman proposes that the traders, the business men of this country, shall be put in a worse position than any other class. Some hon. gentlemen have talked a great deal about farmers, but the hon. gentleman from Milton himself and other hon. gentlemen know perfectly well, and will not deny, that the number of farmers who will in any case come under the operation of this law will be almost infinitesimal. Now, what class of people will come under it? Speculators and persons who have been engaged in promoting land booms and things of that sort will come in by scores, and you propose to place those men, who have undertaken to do business without any capital, and business not of a legitimate character, in a better position than the regular mercantile people of the country who are doing legitimate business. That is the practical working out of the hon. gentleman's proposition. As I said before, I feel that we are committed to the principle, for the time being at any rate, of having an insolvency law. We had better ascertain what the feeling of the committee is with respect to the distance that law shall go, and I propose to move an amendment to test the sense of the House, to see whether the House feels that if we have the bill it shall apply only to those who ask for it; and I shall move in amendment to the resolution moved by the hon. gentleman from Milton:

That this Act shall not apply to any persons other than traders as hereinafter defined.

At a later stage, if we do not want the bill at all we can vote it out.

Hon. Mr. O'DONOHOE—I heard the hon. member from Amherst state that the Act of 1864 was confined to traders only, and that several measures afterwards passed confined it in a like manner; but is that any reason, when we come now to legislate, that we should follow those Acts? We are legislating here, I may say, out of whole cloth—original legislation, and it seems to me fit and proper that we should not follow the precedent of legislation long since repealed by the common consent of the representatives of Canada. I can see no reason why we should legislate for a class. Class legislation is pernicious. I believe in legislating for the whole community, and that you should permit every man, no matter what his calling, to take advantage of the Insolvency Act, if his circumstances are such as to justify it. Why should the farmer be excluded? What is the difference between dealing in a thousand dollars worth of land and a thousand dollars worth of goods, a thousand dollars worth of cattle or a thousand dollars worth of sugar? What is the difference in a man's labour or in anything else that represents money? Is not one as good as the other? Is not the thousand dollars worth of real estate which is transferred from hand to hand just as good as a thousand dollars worth of merchandise, and

if so why should the trader in land be excluded from the right? I see no reason, hon. gentlemen, why this Act should not be made broad and full and for the benefit of all. I would make the Act to suit all, and none can come under it excepting those who qualify themselves under its provision. There should be a limitation as to the amount that would allow any person to come in under it. Saving that limitation, as far as I am concerned, my vote would go in favour of a bill that would enable any man whose circumstances would warrant it, under its provisions, to come in and take advantage of it,

Hon. Mr. BOWELL—Before the question is put, let us understand exactly how the matter stands before the House. The proposition made by the hon. member from Milton was exactly in accord with the speech made by the hon. member from Amherst. The hon. member from Halifax shakes his head. The proposition of the hon. member from Milton was to divide the classes who could take advantage of this Act into two, first, the traders, second, the non-traders, or without using the word traders, defining a debtor to be as in classes A and B. Then the hon. gentleman read a definition of the first class—that was traders, who came under class A, and the second class B, others than traders. Then in order to make the measure consistent, he read certain clauses which it would be necessary to embody in the Act to carry it out. That is the position in which it stands before the House under the motion made by the hon. member from Milton.

Hon. Mr. DICKEY—What I said was that we should go step by step and define what was necessary, and we should begin by defining whether it should apply to traders, and I recommended that it should be applied to traders only as hereinafter defined, and then afterwards we might follow the other bill and take up that clause which made the application of the Act to farmers a voluntary act on their part if they choose to do it.

Hon. Mr. BOWELL—I understood that.

Hon. Mr. DICKEY—I did not wish to be understood as going with him in that.

Hon. Mr. BOWELL—Yes, and that is precisely what the hon. gentleman has done. The only difference in this, instead of first defining what class should be considered traders, he first asked the House to affirm the principle that there should be two classes, and just as soon as you affirm that principle, then the subsequent clauses to which my hon. friend referred would carry out the idea and the views advocated by the hon. member from Amherst ; so that if you pass this motion of the hon. member from Milton you declare that there shall be two classes, one who can be put into insolvency by the creditor but cannot take advantage of the law voluntarily ; and a second class, not included in the first, who could not be put into bankruptcy, but could voluntarily go into bankruptcy of their own mere motion. Then my hon. friend from Halifax moved to amend the Act so that it shall apply to traders only. That would change the bill as presented to the House from the committee in this respect ; the bill before the committee now applies to all classes, no matter who they may be. They may be wholesale merchants or they may be chimney-sweeps or any one else. It takes in all classes of debtors owing above a certain amount. The bill as it stands before us includes every one. The hon. gentleman's motion would include only traders hereinafter to be defined, and I presume he would take, if this be affirmed, the definition given in the original bill.

Hon. Mr. DICKEY—Yes, substantially.

Hon. Mr. BOWELL—Now these are the three propositions, as I understand them, before the House.

Hon. Mr. BERNIER—I have been a witness to all the disasters that came under the late bankruptcy law which we had in this Dominion, and I think we are bound to be very careful in what we are doing. For my part I feel bound to express my views against applying this law to the farmers. I quite understand that the traders come in and ask for a bankruptcy law. They are dealing from one end of the confederation to the other, and although some of the provinces have the requisite laws, perhaps, to deal with insolvents, other provinces have not, and I quite understand the desire of traders to have a uniform law throughout the whole Dominion. Hence I am in favour of an Insolvency Bill, provided the farmers are excluded. I say the farmers should not be included. They are in a very different position from traders. A trader has to deal with

a number of persons, some living near him and others at a distance, and the wholesale trade have to deal, not only with those around them, but also with all the provinces of the Dominion, and then they are not able to follow their debtors as the farmer can. The farmer is dealing with very few people and can take care of his own business. In fact, he does not want an insolvency law. The farmers have not petitioned this Parliament for an insolvency law. Not only have they not petitioned for such a law, but I have had an opportunity of talking over the matter with almost every class of the community during the last few weeks, and I have not met one person who wished the insolvency law to apply to the farmers. The representatives of the boards of trade and the bankers who were here in very large numbers made suggestions to us, and what did they say? I asked them whether they would like the insolvency bill to apply to the farmers. They were very reluctant to answer, in fact they did not answer plainly, but from their words we can imply that they were against the application of the insolvent law to the farmers. So we have in fact expressions of opinion, one which is negative, in this sense, that the farmers have not petitioned for an insolvent law, and we have the expressed opinion of the boards of trade and bankers that it would be better that the insolvent law should not apply to the farmers. I think these expressions of opinion are plain enough to be considered by this House. I look to the farming community as the basis of the public credit. I say that in applying this insolvency law to the farming community you will ruin the public credit, not of one class only, but you will expose the public credit of the whole Dominion to ruin. I explain myself in this way: if you make the insolvency law apply to the farmers, it will encourage them to go in debt and extravagance and once they enter on that path they will go to extremes knowing that there is an insolvency law protecting them. And what is the position at present in some of the provinces? In my own province there are exemptions which go to such an extent that the farmer is practically beyond the reach of his creditors, and if you add to that this insolvency law giving him the power of going into insolvency, what will be the result? The result will be a general crisis. The farmers, already exempted, will take advantage of this bill and go into bankruptcy, and them the retailers will not be able to collect their money. If the retailers of the community are ruined, what will be the result? The result will be that the wholesale community will also be paralyzed, and if the wholesale men cannot carry on business, the blow will fall on the bankers who will put the brakes on all their customers and then you will ruin the whole trade of the country. If you have a law which will produce such bad effects on the whole community, what will be the result? Even the credit of the Dominion—I am not speaking of the Government, but of the trade of the country—will be ruined, and I think you should be very careful not to do such a thing. In exempting farmers we are not denying them a privilege; on the contrary we are paying them a high compliment. We say to them "we rely upon you as the basis of the public credit and of the trade of the Dominion." I think that all legislation should go to keep up the farmer and to give him courage and let him know that we rely upon him more than upon any other class. The insolvency law is a legislation of an exceptional character, and in my mind it should apply only to cases of necessity. In most cases it is not necessary that the farmer should go into bankruptcy. If a farmer is unfortunate, his misfortune will be considered by his creditors and he will find a way to get out of the difficulty. He does not require such relief as an insolvent law to settle his business. On the whole, we should not make this law apply to farmers. This is my first position. I shall vote to exclude the farming community entirely from the operation of this law. Then, if I cannot get that, I will vote to exclude them from the compulsory operation of the law so that they cannot be put into insolvency, because if the farmer can be put into insolvency by any creditor, some day an unfair creditor will go and put into insolvency a farmer who in fact is not an insolvent and would otherwise be able to get out of his temporary embarrassment. Sometimes the farmer cannot realize on his crops and has to wait for months; he cannot reap the benefit of his sowing at once—he has to wait until the fall, and a harsh creditor would perhaps use his power as a creditor in an unfair way.

Hon. Mr. PROWSE—I could not give a silent vote on this question. I quite agree

with a good deal of what has been said by the hon. member from Milton and the hon. member from Manitoba in reference to the farmers being the backbone of our country, and the importance of having an honest farming community, and that they should not be encouraged to do anything which would tend to lessen the confidence and respect the whole community has for them. It is equally important that our trading community should be a respectable class, should be an honest class, should be relieved as much as possible from the speculator or the adventurer, the swindler and the blackmailer. It is a degradation, coming down the grade, and if this bill becomes law it is calculated to encourage a dishonest class of traders as well as a dishonest farming community. I quite agree with the hon. gentlemen when they say that some legislation is required, but we might have legislation of a much simpler kind. We might have an Act to prevent preferential assignments, previous to assignments for the benefit of creditors, and then have a clause embodying the principle that where four-fifths or five-sixths or seven-eighths of the creditors are willing and anxious to relieve a debtor, the creditors representing a very small percentage of his indebtedness should not have the power to keep him under the harrow for all time. A provision of that kind is all the bankruptcy law that we require in this community. It appears to me from what I have learned of law—and some of it came out before the committee on this bill—that the great danger and trouble with our trading community really commences with the banks. They are men possessed of a large amount of money, their officials are trained from boyhood up to the practice of banking, and they, like lawyers, as many of them are, are sure to secure the bank ; they are not disposed to take a private individual's paper unless it is well endorsed. They must have good security, and I was surprised a short time ago to learn that some of these banks actually take assignments of debts that are not yet contracted. I take it, that is a wrong principle in trade, it is encouraging a dishonest transaction, and such a transaction, in my mind, should be made illegal. A law should be passed preventing any bank taking, or any man from giving an assignment of debts which he has not yet contracted. I do not think that is in the bill ; however it may come out. The banks taking that step hamper to too great an extent the trading community. The tendency of the age just now is for monied men to withdraw their capital from business and place it in banks, and they allow the business of the country to be carried on by kite-flyers, speculators who have no means of their own, who are prepared to carry on business in a flighty way. They go into heavy speculations and run them for all it is worth ; if they succeed they make a fortune, if there is any loss they have nothing to lose. The bank will give them money as long as they furnish security, upon their own credit or the credit of their friends or neighbours, and in that way an undesirable and doubtful class of the community is led into large speculations. These large speculators drawing upon the moneys advanced are competing with the hard-working, plodding, honest merchants and business men, and the result is that the honest man in many cases is forced out of business by dishonest competition, I look upon it that this bankruptcy law will only encourage that sort of thing. If we include the farmers, a host of men will rush into the bankruptcy court to take advantage of it. Will not the same principle apply to doctors and traders as well ? Just as soon as we have the law passed there will be men springing up with any amount of cheek and impudence and characteristics of that kind, who will go in a plausible way and get credit in the country and go into bankruptcy.

Hon. Mr. DEVER—The bankrupt must pay 66 cents on the dollar to get through.

Hon. Mr. PROWSE—No, he need not pay one cent on the dollar and he can get through all right if his creditors allow him to go through, but he cannot get a discharge under an offer of composition unless he pays 66 cents on the dollar. The creditors can relieve him and will relieve him if they are sure that everything is all right. I feel like voting against the proposition of the hon. gentleman from Milton, and the proposition made by the hon. member from Halifax. If this bill becomes law every man should be served alike. We want no class legislation. The farmers and everybody else must have the same race to run, and the Act will cure itself in a very short time ; it will not be long before the people will ask to have it repealed. I do not think it would be fair or

wise to say that one class of the community should go into bankruptcy whenever they please, when they have made all the arrangements and made all their preferences three months beforehand in order to go into bankruptcy with a clean sheet. The trader can be put into bankruptcy under this bill by his creditors at any time. For my part, I am disposed to oppose the bill all through, but if it is to become law, I would say that every man should stand upon the same footing.

Hon. Mr. PERLEY—After the remarks of the hon. member from St. Boniface, I thought it right to say a word or two. As far as I am concerned, I would vote against the bill entirely. I do not believe it is in the interest of the country at the present time. I believe it will do more harm, and injure the credit of the country more than any bill we have passed or are likely to pass this session, but if we are to have an insolvency law, I am in favour of applying it to every man who is in an embarrassed condition. I believe the farmer has just as good a right and claim to have the benefit of this law as any other man, and I shall fight for that. My hon. friends are very anxious about the honest farmer, but I say it is the truth that the farmer is the backbone of Canada. He is of all men the man whom the credit of the country is depending upon. He is the man whom the business of the country is largely depending upon, and there is no part of Canada that that applies to more than the North-west Territories and Manitoba. My hon. friend desires to keep the farmer under the hatch. He is very well aware that owing to the bad crops which the farmers of Manitoba have had, and from want of experience, men who have gone in there have had to suffer under very sad and grievous misfortunes in respect to losing their crops and getting badly in debt. The farmers in that country have a law passed to exempt them from paying the debts which he claims are honest debts. There is no place to-day where there is an exemption law to the extent of the one that exists in Manitoba. And why? Because these men have gone in there, not dishonest men, but not understanding the climate and the soil. They went on in the best way to till the soil and make a success of it, and the result is they have failed, through no cause of theirs ; but the hon. gentleman wishes to keep these men under the hatch—these men whose crops are mortgaged for two years ahead. He would give them no chance to get out. If we make an insolvent law I say we should apply it to the farmers of the country as well as to others and give these men, who have been trying to make it a success and who have been unfortunate and got themselves in debt, the benefit of the law. They have got so much in debt that they have lost their credit ; their creditors will not give them any opportunity to market their grain for two years to come. These men are justified in trying to get out of that condition if there is a law to relieve them. It would be unfair to the pioneer farmers of that country, who have got into debt in that way, to hamper them and say that they must remain serfs to the banks and traders in that country. To-day there is only one class adding to the wealth of the country in the North-west, and that class is the farmers. The success of every man in that country depends on the success of the farmer. The farmer is tilling the soil and out of the raw material is making the grain and corn and beef and all the other articles which the country is making money on.

Hon. Mr. POWER—Have not the farmers an exemption amounting to $2,000?

Hon. Mr. PERLEY—The very fact that they have an exemption of two thousand dollars means that they require this law. You have clinched the argument. The Manitoba legislature felt that it was in the interests of the farmers to exempt them. It shows the necessity of giving them the advantage of this law if they desire to take it. I am a farmer, and I am not in debt, but if I were a farmer in Manitoba and had my farm and crop and implements mortgaged what could I do? Stop and work on there and be a slave for all time to come? I say no. These men have been unfortunate and their misfortunes consist in the large prices they have been charged by traders who have not a cent at stake in the country and can pack up and go across the line at any time ; but the farmer who has his farm and buildings cannot pack up and leave the country. He is there a permanent fixture, and I say this law should apply to the farmers of Manitoba more than to any class in the country. If so he could make terms with his creditors. As it is now he has to remain in the embarrassed condition or leave

the country. If the bill is made to apply to the farmers, I shall vote for it, but if not I shall oppose it.

Hon. Mr. BELLEROSE—It seems to me there is a good argument that has not yet been put before the House. It has been said that the word "debtor" is the word that should be used and the reason given is that all debtors are the same. Now, I recognize a great difference between debtors. There are two classes of debtors—the man who is in trade and the farmer. Now, why is exceptional legislation required at all? It is for business men. As a general rule, business men have no real estate but only ordinary assets, movables, so it is only right that the wholesale merchant, who sells to the retail merchant, should keep an eye on him and if necessary seize the stock of the business before the whole of the assets disappear. I believe that is only right, so that the creditor can have a portion of his claim paid, but supposing the farmer owes a merchant, I should think the best thing for him is to have nothing to do with the bankruptcy law, but give a mortgage and wait until his property can be sold to advantage. The House should consider that there is a great difference between the two classes of debtors and recognize the necessity of an insolvency law for traders which does not exist in the case of the farmer. If you give the farmers the right to go into insolvency many of them will exercise the option to their own disadvantage, but most of them would prefer to give a mortgage to secure their creditors, while it would give the farmer an opportunity to improve his position and pay his debt. That is a consideration which I think should influence this House to exclude farmers from the operation of this bill. I am against any insolvency law, if we could have uniform legislation. If we could have a law such as there is in the province of Quebec in each of the provinces, there would be no necessity for it. While I am opposed to any insolvency law for the Dominion, I am willing, for the sake of uniformity, to support this measure, but I do not believe in allowing the legislation to go further than any legislation on the subject that we have had before. I believe it should be made applicable to the trading classes only.

The committee divided on the amendment to the amendment which was adopted.

Contents, 23; Non-contents, 16.

Hon. Mr. BOWELL—As that amendment is carried, I wish to ask the committee to allow clause 3 to stand in order that we can prepare clauses to carry out the wishes and intentions to the Senate, and proceed at once with part II.—Proceedings in case of Insolvency.

The 3rd clause was allowed to stand.

On clause 6, subsection *a*,

Hon. Mr. McKINDSEY—A person who became insolvent after the expiration of the law of 1875 cannot possibly pass through the insolvency court now, because the insolvency had arisen more than three months previous to the passing of this bill. Provision is made for any person who, since the repeal of the Act of 1875 has made an assignment on his estate for the benefit of his creditors. He may get his discharge, but unless he has made an assignment for the benefit of his creditors between the date of the repeal of the Act of 1875 and three months before the passing of this bill, he cannot.

Hon. Mr. BOWELL—You mean a debtor who has not made an assignment cannot take advantage of it?

Hon. Mr. McKINDSEY—Yes.

Hon. Mr. BOWELL—Is that not covered by subsection *d* of clause 4? If he has made an assignment under the 53rd clause, there is provision for obtaining his discharge, but supposing he has made no assignment he can take advantage of subsection *d* of clause 4, call his creditors together and say "I am insolvent" and take advantage of it.

Hon. Mr. McKINDSEY—I think it is far-fetched and it is better to have it clear. I am not satisfied at all that such a case is covered.

Hon. Mr. BOWELL—There is no objection to consider the matter fully and if it is found necessary to change either of these sections to meet the view of the hon. member from Milton, it can be done.

Hon. Mr. POWER—Clause 4 covers the case exactly.

The clause was adopted.

On clause 35,

Hon. Mr. McKINDSEY—That is the most important clause in the bill and one that I take exception to. I will move that 66⅔ cents be changed to 33⅓ cents.

Hon. Mr. MacINNES (Burlington)—I move that it be 60.

Hon. Mr. BOWELL—I think we had better let it stand, but I protest against delaying motions because senators have gone away.

Hon. Mr. MacDONALD—I object to proceeding further with this bill until the amount to be paid by the insolvent is fixed. I shall oppose the bill proceeding any further until that is fixed. I think it would be very much better to leave the bill without stating any particular percentage that the creditor is required to pay.

Hon. Mr. BOWELL—The hon. gentleman will have an opportunity first thing tomorrow, or just as soon as we reach that clause, to move his amendment, and if he will allow us to go on until we reach the clauses relating to the discharge of insolvents without the consent of creditors, we might adjourn.

Clause 35 was allowed to stand.

Hon. Mr. BOWELL moved that the committee rise and report progress, and asked leave to sit again to-morrow.

The motion was agreed to.

Hon. Mr. READ, from the committee, reported progress and asked leave to sit again to-morrow.

The Senate adjourned at 10.10 p. m.

---

## THE SENATE.

*Ottawa, Friday, 15th June, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE LATE SENATOR FLINT.

Hon. Mr. BOWELL—Before the Orders of the Day are called, the very painful duty devolves upon me to announce to the House the death of one of our brother senators. The Hon. Mr. Flint, who has been connected with this chamber since confederation, at the ripe old age of 89 years 4 months and 6 days, has departed this life. I need scarcely say that the death of one with whom I have been so long acquainted, is a most painful event to me. Nearly 60 years ago he was superintendent of the Sabbath school which my departed wife and I attended as children. He taught, also, in the same capacity and exercised Sunday school supervision over my own children. I cannot but express my deep sorrow at the loss of a valued friend. In times past he was, perhaps, one of my most bitter opponents,—I am speaking now in a political sense—but for the last 25 years he has been one of the most devoted and earnest supporters that I have had during the period in which I have been in public life. The hon. gentleman was what was known in the old times as a Baldwin Reformer. He was devoted to that great man, an earnest supporter of him when he sat in Parliament with him in the old days, and I do not think till the day of his death that he ever departed from the principles he then held. It is true, when a division took place in the party, when the old party lines were broken down he associated himself with that section of the Liberal party known in Ontario as the Baldwin Reformers, but his views were and have been since that period in accord with what is now known as the Liberal-Conservative party, although he always delighted to call himself a Liberal in politics. He occupied a very prominent position in all that was in the interests of religion, and was connected with every enterprise in the section of the country in which he lived. He was the first president of the old board of police (which would be well understood by senators from Ontario) of the town of Belleville, and was mayor of that town. He was reeve of the town, and reeve of the township, in which he had mills, and in which he carried on various enterprises for no less than twenty-one years consecutively. He was elected to the old Parliament of Canada, in 1847, and to the Legislative Council in 1863, when they were elected, and he remained a member of that body until confederation, and, as those who have been his confrères, and associated with him since that period know, he held his seat in

this House since Confederation. He was a man of great energy, and strong feeling, no matter which side he took, whether in politics, social life, or religious questions. He was a man of strong will and strong convictions, but a very warm and consistent friend of those to whom he once became attached. I do not know that I can say more than that he was in every sense of the word one of the most enterprising men we had in our part of the county. He has been a benefit to his fellow men in religious circles, as a public man and as a merchant. He has been a public benefactor to every one, except himself. In his latter days I know he has felt deeply and keenly the interests of Canada, the place of his birth, and I can only add, that with all his faults he was a good man in every sense of the word, and it will be a long time before the Senate of Canada has a more devoted member.

Hon. Mr. SCOTT—I am sure that I voice the opinions of every member of this chamber when I say that we warmly sympathize with the emotion shown by the hon. leader of this House in bringing this subject to our notice. It is the severance, as he tells us, of a tie of over half a century and we all must realize that it must be a very keen blow to him who has been so long associated with so excellent a man as the late Senator Flint. It has been my good fortune to know him for a great many years, and I can only confirm all that my hon. friend has said in reference to those excellent qualities that the late deceased senator possessed. He was a man that always regarded everything from the standpoint of morality and religion. He always endeavoured on our committees and in giving votes in this House to voice the promptings of his own conscience. He was a man of the strictest honour and integrity, as we all know, and although he lived to a good old age yet we were all glad to notice he was able up to a very recent period to take part in the deliberations in this chamber, I can only add that the judgments that he expressed on all occasions were those prompted by a desire to serve his fellow-men and to do the greatest good to the largest number. We all greatly grieve at this death, although in the ordinary course of nature few of us may hope to attain to such a ripe age and to be in the full possession of the faculties that God has given us.

Hon. Mr. READ (Quinté)—I cannot allow this occasion to pass without a word. I have known the late Senator Flint since 1836. I was with him most of the time, and while not all my lifetime agreeing with him in all matters, still I regarded him as a model man, one who set an example to his fellowmen, a most consistent temperance worker, and a devoted man to his church in support of which he never spared himself or his money. His example was one that we all might emulate and be proud to see others follow. I cannot add anything to what has been said by the hon. leader of this House. I fully endorse his remarks. The late Senator Flint was at all times pronounced in his opinions. In anything that he said he was sincere, and he never failed to express himself in a manner that could not be misunderstood. I saw him yesterday, and am glad to say that he seemed to be conscious of all that was passing about him. I never saw him look better, and his cheerfulness of spirit was remarkable.

Hon. Mr. DICKEY—We must all feel that a gloom has been cast over the proceedings of this day by the melancholy intelligence that we have just received. You have listened with deep interest, no doubt, as I did, to the tribute which has been paid to our deceased friend by one who knew him much better than, and valued him equally with, myself. Personally I have been associated with Senator Flint since the early days of confederation and the more I knew and saw of the man, the more I valued him for his strong common sense and integrity. He was eminently a fair man and, as I happen to know, looked on all occasions at questions on their merits without regard to the quarter from where they sprung. I am quite sure that we shall all miss his cheerful countenance and the cordial greeting with which he was wont to meet us when he was attending to his duties in his place in this House. We shall miss him, and we shall never forget the characteristics which we all saw in him and we all, I hope, admire and will endeavour to imitate.

## SECOND READING.

Bill (78) "An Act to incorporate the Metis, Matane and Gaspé Railway Company."—(Mr. Pelletier.)

## MONTREAL ISLAND BELT LINE RAILWAY CO.'S BILL.

SECOND READING.

Hon. Mr. TASSÉ moved the second reading of Bill (59) "An Act respecting the Montreal Island Belt Line Railway Company."

Hon. Mr. McCALLUM—I understand there has been a great deal of opposition to this bill. Would it not be better to put it off until we have a fuller House?

Hon. Mr. DESJARDINS—I think it would be better to fight it out in committee if any one is opposed to it.

Hon. Mr. BELLEROSE—Those who are opposed to the bill said they had no intention of opposing the second reading. They would make their objections in committee.

The motion was agreed to and the bill was read the second time.

## CUSTODY OF JUVENILE OFFENDERS IN N.B. BILL.

THIRD READING.

The House resolved itself into a Committee of the whole on Bill (GG) "An Act to amend the Act relating to the custody of juvenile offenders in New Brunswick."

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—Does the hon. Minister in charge of the bill think that it would be wise to increase the age from 15 to 17 years? Lads of 17 are just at the age to learn a trade and be taken in hand and redeemed if they have been guilty of any offence.

Hon. Mr. BOWELL—What was the age in the bill introduced by the hon. member from York?

Hon. Mr. ALLAN—At the suggestion of the Government I made the age 17 years, but I would rather have had it 16.

Hon. Mr. BOWELL—The bill was introduced in its entirety, as it was given to me by the Minister of Justice. When you come to consider a boy of 17 years of age is approaching manhood and he ought to be able to realize the enormity of any offence he may have committed. The intention of this bill is to try and rescue, as far as possible, children while of a tender age, and take them from those who are hardened criminals, and with whom they would have to associate if they were put in jail. I hope my hon. friend will allow the bill to pass as it is. I will call the attention of the Minister of Justice to the suggestion and if he approves of it the change can be made in the Commons.

Hon. Mr. ALLAN—The hon. gentleman will remember that the age of seventeen was fixed in the bill which I had here as regards the separate confinement of juvenile offenders, but there was a clause in that bill which fixed the particular age at which children, instead of being sent for trial, should be sent to a foster home or to the children's aid society or an industrial home, and as I presume that is partly the object of the bill before the House now, of course I think that makes all the difference in the world. The earliest age at which you can deal with children with that object in view, the better.

Hon. Mr. DEVER, from the committee, reported the bill without amendment.

The bill was read the third time and passed.

## OBSERVANCE OF THE LORD'S DAY BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (2) "An Act to secure the better observance of the Lord's day, commonly called Sunday." He said: This is a bill which, as all hon, gentlemen are aware, has been before the other House of Parliament, I think, for more than two sessions. It has been very thoroughly discussed there and has been amended and altered to a very great extent, so that it comes to us with most of its original provisions cut out, and, in-

deed, I may say, in such an emasculated condition that I do not think it can provoke much opposition from any one. At the same time, I may say that all who desire the preservation of the seventh day as a day of rest as an essential part of Christian civilization, will be thankful for even this small measure of protection that the bill affords. There are only two clauses to which I may call attention, one which enacts that the sale of papers shall not take place on Sunday, and the other which provides that canals shall be closed on Sunday, except between the hours of midnight on Saturday and 6 o'clock on the morning of Sunday, and from and after the hour of nine o'clock at night on Sunday, making provision for urgent necessity arising from the state of traffic or business caused by the interruption of traffic or by the approach of the close of navigation to have these enactments suspended by order of the Governor in Council. These are really the only two things which the bill provides for, as far as regards the observance of the Lord's day. I do not think I need say very much more about it than that. I shall be prepared to answer any objections or give any further explanations as the discussion goes on.

Hon. Mr. ALMON—When this bill was introduced into this House and I noticed the way in which the hon. gentleman from York took it up and immediately moved that it be read the second time the following day, I thought there must be something terrible about it, that the laws of Moses which directed that the people who violated the Sabbath Day should be stoned to death, or the blue laws of Massachusetts which punished a man for kissing his wife on Sunday, were to be enacted, and I gave notice that I would move the six months hoist. Since then I have examined the bill and what do I find? Instead of a bill it is a burlesque. The only thing about it that calls for comment is a clause prohibiting the sale of newspapers on Sunday. Now that is not done in any of the Maritime Provinces and I am told it is not done in Quebec, nor in Ottawa, nor in Montreal. It must be in that wicked city of Toronto, where my hon. friend from York has been scandalized by little boys running about and selling papers on Sunday. Now, I do not believe even in Toronto, bad as it is, they do that and this bill is a burlesque and a humbug, introduced here for the purpose of making the Senate a laughing-stock. What is the punishment to be inflicted on the little bare-footed boy who is guilty of the offence of selling a newspaper on Sunday? His entire stock in trade consists, perhaps, of six pence, with which he buys seven newspapers and makes a profit of an odd cent or two on the transaction. He is brought before the judge, who, with this law before him, says "What have you done? You have broken the law introduced by Mr. Charlton, who is a great observer of the Sabbath, and I fine you $50." "Good God," the boy says, "$50. I never heard of such a sum of money in my life." Then the judge adds, "What is more, if I find you running about and selling papers on Sunday again I shall fine you $100." Now is that a thing to be introduced in this House? Instead of calling this a bill for the better observance of the Sabbath, I call it a fraud. I do not know if Toronto is as well governed as Halifax. In Halifax, where we are supposed to be very slow, the post office is open a couple of hours on Sunday, so that people can get their letters and papers, and I do not think we are any worse for it. Moses was supposed to know something more about the Sabbath than the hon. member from North Oxford in another place knows, and Moses said that the Sabbath should be 24 hours, but Mr. Charlton says that it shall be 15 hours, taking away from the Sabbath of Moses 9 hours. Is this a bill for the better observance of the Sabbath? No, only for the observance of a portion of it. What I want to know is this—are the laws of God to be altered in this House, and by whom they are to be altered? As this is a religious bill I will quote Scripture—"the tree is known by its fruits: Do men gather figs from thorns or grapes from brambles?" Now, who is the man who introduced this bill—look at the fruit which the tree bears. If a man comes into this country and takes an oath of allegiance and then writes to his friend Carlisle at Washington asking him to put heavy duties on Canadian goods and disguises the fact, and it is only brought to the notice of the Canadian people through Mr. Carlisle publishing his letter. What do you think of him? I think it was Philip of Macedon who said "The treason I like, but the traitor I hate," and Mr. Carlisle, after getting out of Mr. Charlton all he could, has published his letters to the world. Does that tree bear

figs? Let us look again and see what the bramble produces. In this Canada of ours we have two forms of religion, Catholic and Protestant, and we have two races, French and English speaking. It has been our hope and our prayer that these two races shall be blended into one, what says the author of this Bill for the better observance of the Lord's day? He writes that the reason the Liberals have not got into power again is because they have chosen a Catholic and a Frenchman as their leader. Does this vine bear grapes? Does that tend to blend the two races into one? In my opinion Mr. Laurier is a gentleman and, for a Liberal politician, an honest man, and the reason his party has not got into power is because his lieutenants, of whom the hon. member for North Oxford claims to be one, are so inferior to their leader. I should not be surprised if they treated him as they did their former leader, Mr. Mackenzie. You do not get grapes from that bramble, and as the tree is rotten I do not like to have anything to do with the bill now before us. Now, consistency is a virtue. The author of this bill, which has been introduced here by the hon. member from York, is the owner of a steam tug, and that tug leaves the wharf on Sunday, and its screeching sounds in the ears of the people going to church. If this tug were a passenger boat, there might be an excuse for it, or if it were going out on an errand of mercy to save human life, one might tolerate the Sunday work, but to go out on Sunday to tow rafts and lumber on the American side is an unnecessary violation of the Sabbath. Some hon. members speak of our bills being distributed. I do not believe they are. We send some to our friends and there is an end of most of them, but suppose by chance a copy of this bill, that has been introduced here by the hon. member from York, fell into the hands of one of the men employed on Mr. Charlton's tug boat, after looking it through he would say: "There was a clause left out here which I wish to God had been put in—a clause to prevent tugs going out on Sunday." He looks from the deck of the tug as he passes by the village where his family lives, and the church bells ringing bring to his mind the fact that his little children, who have been in the habit of going to church with him, must miss their father. It is not likely our debates would get on board Mr. Charlton's tug, but stranger things have happened. Our late assistant clerk, Mr. Adamson, used to tell about one time he went fishing with an official of this House, and stopped at a neighbouring village. He was awakened in the morning by his companion rushing into his room with a hair brush in his hand marked "the Senate" and exclaiming: "The Lord be magnified, has it got down here?" The like chance may have happened to our Debates. I move that this bill be not now read a second time, but that it be read a second time this day six months.

Hon. Mr. BELLEROSE—I am certainly not against such legislation as this. If there is one thing we ought to sanction by law it certainly is the proper observance of the Lord's day. But it seems to me that this legislation ought to come from the Provincial Legislatures. Let every province do what they think best on this subject. I do not see why the legislation should be the same in every province. Each province thinks for itself, and if in New Brunswick they wish certain provisions as to Sunday observance, let them enact them; and if the province of Quebec feel that they may do a certain thing on Sunday, why should the province of British Columbia come and say: "We don't believe in it, you must not do it." Certainly such legislation should be left to the provinces. This bill makes it an offence to sell one newspaper on Sunday. We know that the hon. gentleman who has charge of the bill here is not the author of it, and it seems to me it is not in accordance with our legislation. A fine of $50 or $30, or even $20, is considered a heavy fine, but in this case, for selling one newspaper on Sunday, a boy can be fined $50, and double that for a second offence. I do not think this is such a legislation as we ought to have on our Statute-book. Now, in a case of assault and battery, which may be a grave assault, but with no intention to do bodily harm, the law says that at the utmost the costs and fine shall not be over $20. I should think that, considering the consequences that both may have as to public peace and order, an assault is a more serious offence than selling a newspaper on Sunday morning. Look at the difference between the two. That is the reason why I say that this bill was never intended to become law, because it could not be expected that such meagre provisions would be accepted by Parliament. I am surprised that the Commons

have passed this bill. I know they have amended it, but they ought to have looked into all our legislation of the past and sent us something better than this bill. It seems to me they have shut their eyes and paid no attention to the matter. For all those reasons I decided that I could not support such legislation, and, consequently, I shall vote in favour of the amendment, ready as I was to vote against the bill if no amendment had been made.

Hon. Mr. SCOTT—In reference to the constitutional question, there can be no doubt whatever as to the prerogative of this House to enact a bill of this kind. We have control of the criminal law, and it is very desirable that if we are to make the sale of newspapers on Sunday an offence in any part of the Dominion, it should be an offence in all.

Hon. Mr. BELLEROSE—I did not say anything as to the constitutional part. I only said that we should leave it to the provinces.

Hon. Mr. SCOTT—The bill as first introduced was, in my judgment, a very good measure. It aimed at the observance of a day that all Christian bodies recognize should be devoted to religious exercises and at all events not spent in amusement. We cannot but have noticed that in countries where religious observance on Sundays is not prescribed in some way by statute, the great tendency is to serious abuses. hon. gentlemen have talked about the enormity of providing a penalty of $50 for a little boy in his bare feet selling a paper on Sunday. The bill is really pointed at the practice of selling newspapers on Sundays; that is what it proposes to stop, and certainly any of us who have been in the city of New York, on our way to church on a Sunday morning, must have been shocked to hear boys crying on the streets, "Herald," "Times," and "Tribune," and mentioning some murder or suicide, an account of which was to be found in the columns of the papers. It certainly was rather shocking to me. It was not alone the sale of the newspapers, but it was accompanied with the sale of other things, cigars and in many instances liquor, and so moved on until you had Sunday absolutely broken as it is in very many parts of the United States. I do not think any hon. gentleman is desirous that that condition of things should prevail in Canada. As a rule Sunday is observed in Canada as well, probably, as in any country in the world, but at the same time I can quite recognize that it may be desirable that we should even place upon our statutes our approval of having Sunday observed in the quiet way it has been in the past. The bill as introduced, made it a punishable offence that newspapers should be printed or published in addition to the delivery on Sunday. It was pointed out that that would probably affect the morning issue of the Monday paper, that the printers were in the habit of going to work at 10 or 11 o'clock and that technically that they would be breaking the Sunday by working an hour or two before midnight, and therefore the clause was changed to suit circumstances, but the selling of the newspapers on Sunday was intended to do away with what it professes to abolish, and not the case of a single newspaper.

Hon. Mr. ALMON—Do you know any province in the Dominion that has not already provided for that, making the selling on Sunday punishable by law?

Hon. Mr. SCOTT—I am not aware that it is punishable.

Hon. Mr. ALMON—Certainly in Nova Scotia it is.

Hon. Mr. SCOTT—I am very glad that the province of Nova Scotia is a banner province, and rather ahead of any province in the Dominion. There are some provinces where newspapers are sold on Sunday. I think the province washed by the waters of the other ocean sells newspapers on Sunday. Then another clause provided that there should be no loading of trains on Sunday. That clause was struck out.

Hon. Mr. MILLER—That is not in this bill.

Hon. Mr. SCOTT—Reference was made to the skeleton that this bill is, and I am explaining why it is a skeleton, because those clauses were struck out in order that the bill could get through the Commons.

Hon. Mr. MILLER—The bill meant something when it was introduced, but not now.

Hon. Mr. SCOTT—The Government consented that if certain clauses, essentially these relating to canals, were struck out and modified, the bill should go through. I do not think we should take this bill in an alarming spirit. There is no hon. gentleman in the chamber who would say he would like to see a news stand on Sparks or Wellington street, on Sunday. It is not the selling of one paper on Sunday that was the objection, but it is what it leads to. It is the commencement of Sunday traffic, and it is with a view of showing our disapproval of that at the outset that this bill is introduced. I therefore hope that it will receive the approval of the members of this House.

Hon. Mr. McCALLUM—It appears to me that a very severe penalty is imposed for selling a newspaper on Sunday. If the people of Canada keep the Sabbath—and I believe they do—as well in this country as in any other country in the world—why the necessity of this bill? What a crime it is to get a newspaper and read it on Sunday. Are you to punish a man for that? And then, hon. gentlemen speak of the canals of this country. Why this is the law now as far as the Welland Canal is concerned. They do not run there on Sunday at all, but I question myself whether that is beneficial, as far as keeping the Sabbath is concerned, because formerly when vessels were lying up in the canal the sailers congregated together and what did they do? Did they go to church?

Hon. Mr. ANGERS—They drank.

Hon. Mr. McCALLUM—Yes, and boxed and wrestled and ran foot races and jumped. Perhaps it is good exercise, but I think it would be just as well for them if they were taking the vessels through the canals. I believe that no man should work on what is called the Lord's day, and we would get along better if people did not work on the Lord's day. It would be better for a man if he did not work on the Lord's day, and I am sure it would be better for him when he comes to his last day, I do not want to vote for any such bill as this before the House now. I consider it is nothing at all; it is a blank. A gentleman in the other House has been working on it for years, and he wants to show the country that he has been doing something to keep the newsboys from selling papers on Sunday. As to the canals, the regulation now prohibits Sunday traffic. By this bill you are going to punish a youngster if he sells a paper on Sunday—fine him $50, and if he has not the money to pay it send him to jail. Away with such a bill.

Hon. Mr. ALLAN—In the first place, I beg to say that I am not responsible for the shape in which this bill comes before this House. I do not think I am in the habit of introducing measures which are of such a nature as to be treated with the apparent contempt and sneers with which this House has greeted this bill to-day, and I do not know how far it is in order for any hon. gentleman to take the course which the hon. member from Halifax has pursued when speaking of this bill in referring to the gentleman who had charge of it in the other House. I do not suppose I shall be accused of any particular sympathy with that gentleman in politics, or in any other way, and I cannot, of course, shut my eyes to the fact—because it is a fact and in that respect I may be even then going beyond what is the proper rule of order in saying it—that there is no question about it that the bill and its treatment for the last two years in the House of Commons has been very materially affected by the unpopularity of the gentleman who had charge of the bill there; but when the bill came up to this House it was impossible for me to decline to take charge of it and to urge that this House should treat it on its merits looking to the objects at all events which it seeks to secure, and for which it was originally introduced in the Commons, and not treat the bill as hon. gentlemen now seem disposed to treat it by moving the six months' hoist. The bill was initiated in the Commons in consequence of the very strong representations made by almost every religious body throughout the country, almost every synod of the Church of England, the General Assembly of the Presbyterian Church, and the General Conference of the great Methodist Church, had all united time and again in the last two or three years in pressing on the legislature of this country by their petitions that some steps should be taken to minimize as far as possible labour on the Sabbath, and especially to minimize as far as possible the amount of labour performed on any public works over which this Parliament might be supposed to have control. This was

the object which was had in view, and it has been very strongly urged upon this House, even within the last year by innumerable petitions which have been presented to them for the better observance of the Lord's day. The feeling, I think, is general amongst all classes. We had no division, as has been hinted at by my hon. friend from behind, as between the different races or the different religions. I know of no one who was a more eloquent and pressing advocate of observance in every way and the cutting down of all possible work on the one day in the week than a man whose name is held in reverence by all who belong to his church, the late Cardinal Manning, and it is very striking that steps should be taken now all over the continent of Europe to carry out this very object. I have before me in a book familiar to all, "The Review of Reviews," a short memorandum on the subject, part of which I shall take the opportunity of reading to the House. It is headed the "Struggles for Sunday rest," and it goes on to show what progress this movement has made on the continent of Europe. That in Austria a law now prohibits women and minors from Sunday work. Postal deliveries are limited to one. Sunday evening and Sunday morning newspapers are prohibited.

In Belgium work on all the state railways has been greatly reduced. Even in France the closing of shops is becoming more and more common, and railway goods and parcel offices have been closed at 10 a.m. instead of later hours. In Germany a labour law protecting the Lord's day has been passed. The second delivery of letters has been suppressed through the whole Empire. In Holland goods trains do not run any longer, and one of the most influential newspapers has closed its offices on Sunday in agreement with the general movement for Sunday rest. And in Switzerland a very remarkable instance of the progress of the movement is shown by the fact that a railway in course of construction which connects Yverdun and Ste. Croix, Canton de Vaud, is by the provisions of the charter to be free from all Sunday traffic for at least 25 years.

I merely mention these particulars to show you how, in all countries, and without distinction of religion, the feeling is growing stronger and stronger that for the social and moral good of the citizens every effort should be made to preserve the weekly day of rest.

Hon. Mr. MILLER—How far does this bill do that ?

Hon. Mr. ALLAN—As I have already reminded the House I am not responsible for the shape in which this bill comes down to us. I regret very much that it has been cut down to such proportions as it stands now before the House. There is much which has been left out which it was originally proposed should be introduced and which I would have been very glad to have seen in this bill, but, as I said before, I feel it is my bounden duty, having taken an active part in this question on various occasions, having presented petitions without end on the subject of the better observance of the Lord's day, however I might regret that this bill was not what I would wish it to be, to present it to the Senate, and I earnestly hope that the House will show, at all events, its sympathy with the movement and the objects which the bill seeks to obtain, by refusing the amendment of the hon. gentleman from Halifax. It would be very unfortunate I think if it should go forth that, slight as was the reform that was sought, the Senate refused to give it, and rather proposed to reject the bill *in toto*. I know perfectly well that there is already legislation upon this subject in the different provinces. There are Acts standing on their Statute-books which provide specially for the observance ofthe Lord's day, but we all know that, in the case of the railways and the canals, the subject comes within the jurisdiction of this Parliament only, and cannot be legislated upon by the legislatures of the provinces. With regard to this bill now before the House, I must confess when I read its provisions, although they did not give me the same subject for hilarity as they seem to have afforded the hon. gentleman behind me (Mr. Almon), I was rather surprised at their ever having been passed by the Commons, and if the House in its wisdom thinks it is desirable to alter them in any way I shall be prepared to accept any reasonable amendments, but I take it for granted that the fine about which so much has been said was directed, not at the unfortunate barefooted boys, but intended to be levied against the publishers of the newspapers. That is the object of the clause, I take it, and I do not suppose if it contemplated any other object that the House of Commons would ever have passed it. With regard to that particular

thing, the sale of Sunday newspapers, I am very sorry that I have to confess in answer to what was said by the hon. gentleman behind me, that in Toronto newspapers were for a short time attempted to be sold on Sunday, but I am glad to say it was speedily discontinued. I think every body will agree with what the hon. gentleman from Ottawa said, that it would be very undesirable if we had that state of affairs in all our cities, and papers were sold on the streets, on Sunday. Of course that is a matter which every gentleman can settle with his own conscience. I do not put this bill before the Senate in any degree on a religious ground. I have myself strong convictions on that subject, but I do not desire to put them before the House because the question of Sunday observance on religious grounds is a matter which every hon. gentleman must decide according to his own conscience. I am putting it on the ground alone of the desirableness of keeping the one day of rest every week, so that no man, be he who he may, down to the humblest labourer, may ever be compelled to make his choice either to give up his Sunday's rest or to lose his situation. That is the one cardinal point which I desire to put before the House. While I have no objection to my hon. friend making himself merry over the bill, still on my part, I am very much in earnest about it and I ask the House, if the general feeling is that even the bill is not all it should be, that they will not refuse to let it go its second reading and be afterwards put in proper shape in committee.

Hon. Mr. KAULBACH—I have looked for some reasons for presenting this bill, and none have been shown why it should pass. I am glad to find, as I know it is the case, that the Lord's day is observed with greater propriety and reverence in Canada than in any other country I have been in, not merely bodily rest, but mental and spiritual rest; not in close, stuffy tenements, but rest in the pure and open air. This bill seems an attempt to revive the blue laws of Connecticut, and, therefore, is repugnant to the spirit of our free institutions. My hon. friend referred to the observance of Sunday on the continent of Europe, and the great change that there has been in that respect. In most of the cities in Europe that I have travelled in—and I have been in most of them—you can hardly tell the difference between the Lord's day and any other day of the week. In Paris, a stranger going there not knowing the day of the week could not detect any difference. It is the same in almost every other city in Europe. If this bill is intended to make a change in the management of the canals of the country, I am told that the regulations are such as to prevent any unnecessary use of the canals on the Lord's day. Then, so far as that goes, there is no necessity for the bill. It proves to me that the author of the bill is not guided by principles of Christianity, but wishes to get some notoriety by professing to be a great Christian Endeavour man, whereas his conduct, as has been shown by the hon. member from Halifax, is inconsistent with his professions. However, I do not care to deal with that. I ask what will this bill do? It sanctions or suggests the desecration of the Lord's day by postal delivery. Any one may have a person deliver his papers to his house—the postmaster can do that, but a poor boy cannot sell a newspaper to anybody on the street. A traveller, or a man who is not accustomed to have his paper delivered at his house, cannot buy a paper of any kind, whether religious or secular, on the street on a Sunday. I cannot understand why such a clause should be enacted. Even if the object of the bill is to strike at the publishers of the papers, it is better to mention them directly and not deprive the poor boys on the street of the right of selling a newspaper. The bill provides that the proceedings shall be by indictment. The expense in nine cases out of ten would only be a tax on the municipality where the trial is held.

Where is the fine to go? Half to the informer? Any person who brings up a poor boy for selling newspapers on the street is to get half of the fine inflicted. If some society were to undertake to do this for the purpose of putting a stop to the sale of newspapers on the Lord's day, there might be something in it, but to authorize a detective to catch a poor newsboy on the street and have him fined and get half the fine, is something which should not be tolerated. The bill is unworkable in its present shape and can have no result but to create expense without any solitary beneficial effect in the way of preventing the sale of Sunday newspapers.

Hon. Mr. O'DONOHOE—It means the imprisonment of the boy, because no newsboy could pay any such fine.

Hon. Mr. KAULBACH—Yes, to degrade a poor boy who wishes to earn an honest penny. It proves to me that the Lord's day is so well observed that there is no possibility of finding any reason to interfere with it. There is no necessity for the bill, because it is futile—there is nothing to operate upon. There is nothing objectionable in the way the Sabbath day is observed in Canada—nothing which requires legislation. The bill is puerile in every respect and is not one which should receive the consideration of Parliament, and there is too much Pharisaism about it.

Hon. Sir FRANK SMITH—I am sorry to see a bill of this nature come before the Senate, even though it be as harmless as a number of its supporters say it is. Harmless though it be, it may lead to the introduction of other measures which would be a hardship on the people in some parts of this Dominion where they are not accustomed to such rigid observance of the Sabbath as we are in this province. In no place in this country do I know of a newspaper being sold on Sunday. I do not know if newspapers are sold in Montreal on Sunday, but there is no such thing done in Toronto. Why should we bring in a bill to prevent people selling newspapers on Sunday when there is no such thing in the city to which I belong?

Hon. Mr. ALLAN—I have seen it with my own eyes. I saw it one year.

Hon. Sir FRANK SMITH—I am speaking of the present time.

Hon. Mr. ALLAN—It is not done now because the thing was frowned down.

Hon. Sir FRANK SMITH—I say no newspaper is sold in Toronto on Sunday. "The World" is not sold on Sunday—it is delivered Saturday night before 12 o'clock. I read it every Saturday night before I go to bed. Why should such a bill as this come before us, leading the world to suppose we are immoral and encouraging the sale of newspapers on Sunday, when no such thing is done? It is our duty to set a good example in every locality for the proper observance of the Lord's day, but there is no reason, because I believe a little differently from my neighbour, why I should compel him to take a certain book and sit down in a corner and read it and nothing else on Sunday. That would be too much hardship to inflict upon Her Majesty's subjects in a free country like ours, and I hope the day will never come when a small portion of the people will bring hardship on the great mass of the population by refusing to let them pursue little innocent amusements and hold meetings that they have been in the habit of attending in many portions of this Dominion. I am not speaking of Ontario alone, but the whole Dominion and I am prepared for one, to vote for the amendment of my hon. friend from Halifax.

Hon. Mr. PROWSE—I did not expect that the humorous remarks of my hon. friend from Halifax would have provoked such a very serious discussion on this bill. I am half inclined to think that the hon. gentleman was justified to a very large extent in the remarks which he made when he moved the amendment. At the same time, I do not feel warranted in supporting it. I consider this an unnecessary bill to be brought before Parliament in the present condition of the Dominion. I agree with the remarks made by the hon. gentleman that perhaps in no part of the world is the day of rest more strictly observed than in Canada. However, it looks to me as if this bill had been introduced with the object of drawing a red herring across the track to divert public attention from some very important acts which have lately transpired. If the resolution is carried, as proposed by the hon. member from Halifax, it will obliterate to some extent the impression, as no doubt it was intended to do. We should look at this bill as emanating, not from one individual member of the House of Commons, but from a majority of that body, and as an expression of public sentiment of the majority of the Dominion. If we at this stage of the proceedings throw out this bill it will have a serious effect on the public mind in regard to the morality of the Senate of Canada. If the bill had never been introduced we should never have been called upon to pass an opinion upon it. We are asked now to throw out this bill, and it will be practically declaring to the public that we are in favour of the sale of newspapers on Sunday.

Hon. Mr. ALMON—Oh no.

Hon. Mr. PROWSE—I think that is a fair inference to be drawn—it is a declaration that we do not agree with the House of Commons that it is wrong to sell newspapers on Sunday. I think, under the circumstances, we ought to pass the bill and show that not only the House of Commons, but the Senate as well, is in favour of maintaining a day of rest as we have been doing up to the present time.

Hon. Sir FRANK SMITH—Do it by example, but do not force it upon the people.

Hon. Mr. BOWELL—I am very sorry that I cannot agree altogether with my hon. friend be ide me (Sir Frank Smith) not upon the merits of the bill, but upon the general question, and I am very glad to hear the hon. mover of the bill disavow the intentions of the author, if he had any, in placing it on record. While I intend to vote against the amendment, very much for the reasons given by the hon. member from Prince Edward Island, I look upon the bill as unnecessary. If it were in order, I should be inclined to express my disapproval of the bill in even stronger terms than the hon. member from Halifax has used, but that has nothing to do with the merits of the question before the House. If the bill receives a second reading, I am quite sure that its promoter in this House will see that its provisions are changed. To my mind, reading it critically, it is about as strange a conglomeration of the English language as I have ever read in the shape of a statute.

Hon. Mr. MILLER—It was so amended in order that it might be rejected by the House, I presume.

Hon. Mr. BOWELL—If that is the hon. gentleman's interpretation of my language, it is not my meaning. In reading the first clause it seems, in addition to the objection of making such a heavy penalty for selling a single newspaper, it actually authorizes and legalizes the performance of certain duties by public officials on the Sabbath which they do not discharge now, and which, under the statutes of Ontario, they could not do without violating the law. The first clause makes the publication or sale of a newspaper on Sunday an indictable offence. That is the only means by which the provisions of this bill are brought within the purview of the Dominion Parliament, but among the exceptions are the following :—

> But nothing in this section shall affect the distribution of newspapers and letters on the said Lord's Day by any postmaster in the ordinary way.

What does that mean? It must mean the giving of authority and power to any postmaster on the Lord's day to send out all the mail carriers from one end of the Dominion to the other, which they do not do now, and which under the statute which I have in my hand would be contrary to law to-day. Then there is this extraordinary exception:

> Or shall prevent the gratuitous distribution of religious publications in churches, Sunday schools or religious meetings.

It is to prevent the distribution of literature of this kind in the streets, as many of those who are engaged in religious work do on Sunday, circulating religious papers of this kind. Take the Salvation Army for instance—I do not say that I am in accord with their views and actions, but I do not hesitate to say that they have done a great deal of good in this country among many of the worst portions of our population, and they not only send out, but do themselves circulate—I do know that they sell these newspapers, if they can be called such, all through the country. The only exception in this clause is the distribution of such literature in Sunday schools, churches or religious meetings. Another idea which suggests itself to one is why, in a clause of this kind, so absurd a provision should be made as to say you exempt gratuitous circulation of religious literature. Then another question would arise, I am quite sure, in the common law as to what constitutes a newspaper. Take the dictionary for it, and you will see this bill provides a penalty of $50—for selling a newspaper containing a record of the events of the day. There is a penalty provided under this Act for a person who sells anything in the shape of a newspaper, but he could circulate in the shape of a newspaper Paul de Koch's choice literature and spread it all over the country. There is nothing to prevent that. Now, that is the kind of literature that it is desirable to suppress rather than the ordinary newspaper. I do not know that there is any further comment needed to show that this must be the work of some half dozen heads, each trying to amend it for the purpose

either, as the hon. member from Richmond says, of killing it or of turning it into ridicule in order that it should really mean nothing. It is contrary to the rule in either House to refer to a member of the other, but if it were in order, I would say that the latter clause contains a principle which the author of this bill has condemned in the most violent manner possible—that is, the granting of moieties for giving information on which certain people could be punished. He has laid it down as a very heinous crime, to give the informer a moiety of the penalty imposed for a violation of the Customs Act, but in this case he actually holds out an inducement to any ruffian in any city or town to inform upon a poor boy, or a newspaper vendor, in order to get a part of the $50 or $100 fine, as the case may be. It is only another evidence of what one might designate—if it were at all in order—arrant hypocrisy. I shall not vote for the six months' hoist, and for this reason: if it goes into committee I shall do my best to assist the hon. gentleman who has moved the second reading to amend it in such a way that it will not be an absurdity. However, before I sit down, let me read the law of Ontario on Sabbath observance, to show how unnecessary any measure of this kind is, so far as the province in which I live is concerned. It seems to me that the introduction of this bill is a hypocritical attempt to gain popularity. I will read you one of the clauses of the law which provides for the observance of the Sabbath in the province of Ontario. I cannot speak for other provinces, because I have not their laws under my hands. The Ontario Statute reads this way:

> It is not lawful for any merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever, on the Lord's day to sell or publicly show forth or expose or offer for sale or purchase any goods, chattels or other personal property or any real estate whatsoever or to do or exercise any worldly labour, business or work of any ordinary calling, conveying travellers for Her Majesty's mails by land or water, selling drugs and medicines or other works of necessity and works of charity only excepted.

The next clause prevents the holding of public meetings, public tippling, games and amusements, hunting and shooting, fishing, bathing in exposed places, etc., and provides penalties for all these offences. So far as my province is concerned, there is ample provision to prevent the profanation of the Sabbath day. Viewing this, as my hon. friend from Prince Edward Island does, I shall record my vote against the six months' hoist, for the reasons I have given. Before the people, the author of this bill, and those who take his view of it, will never explain to the people what its provisions are. They will simply hold the Senate up to contempt by saying that you voted against a bill for the better observance of the Lord's day. That is all they will say. Then explanations will have to be made, or a wrong impression will have been produced. My hon. friend laughs. It is not long ago since I had to go to the people, and I know thoroughly well how these clap-trap notions which are made in the House of Commons are used when you go to the people. My desire in rising was to endorse the views expressed by the hon. member from Prince Edward Island, and at the same time to point out what I considered to be the ridiculously absurd wording of the measure itself. There can be no doubt the object of the gentleman promoting the bill must have been to show to the world how good a man he was. My hon. friend from Monck has stated the actual truth. The provision in the third clause is the principle upon which the canals have been managed for years and years. While I had the honour, for a few months, of acting in the capacity of Minister Railways and Canals, application was made to me to allow the locks to be opened on Sundays in the afternoon, sometimes in the fall of the year, when large fleets loaded with grain and other products of the North-west were seeking an outlet to the sea, when perhaps if the locks were closed the canals would have been frozen up in a day or two and the whole trade of the country would have been at a standstill. That being the case, what did they ask? The necessity was shown, for the reasons I have already indicated, for placing the existing law upon the Statute-book. I have a very great contempt for hypocrisy I admit, but I am equally strong in the conviction that everything should be done that is possible to prevent work and desecration of the Lord's day. My hon. friend talked about Paris. I did not know, when I got up in the morning in Paris, that it was Sunday. There was stone-cutting going on, buildings being erected, horse racing, banjo playing, and everything else. I have been in a number of countries in Europe, and I have been through a good part of America, and I do not hesitate to

say that, from my experience, the Sabbath is better observed in Canada, as a whole, than in any othe r part of the world.

Hon. Mr. MACDONALD (B. C.)—The hon. gentleman expressed the hope that this bill would be amended before it passed the House. Any one who followed the course of the bill in the Commons will know how it got kicked about in the Commons from pillar to post. I have seconded the motion for the second reading of the bill, as it is a step in the right direction, although I am very much surprised that the promoter should have accepted it in its present shape; he should have withdrawn it. There is nothing in the bill that is worth anything except the title. The clause of the bill which tries to prevent Sunday work does not prevent it at all. It does not prevent the carrying of papers or letters on Sunday, nor the printing of papers on Sunday, and why the bill should be aimed at the poor, helpless little boy who carries round the paper, and leave others untouched I cannot say. A man may go into his shop and do all he likes on Sunday and cannot be prosecuted, but this bill attacks a poor little boy who carries round the paper. I shall give my vote for the bill, but I consider it a perfectly useless measure. It is a mere skeleton of a bill. The hon. gentleman takes charge of it with the best motives and I second it also with the best motives. The hon. gentleman from Ottawa said he did not know what was done in the Pacific province. I will tell him. The papers are printed in Victoria on Saturday night and carried round by carriers Monday morning. On Sunday there is no paper printed, and if this bill had a clause preventing the printing of papers on Sunday it would be more effective than the present clause. I think the bill should have been withdrawn, because it will not accomplish any of the objects for which it is intended, but I would say to any one opposed to the bill that it will be harmless if passed.

Hon. Mr. ALLAN—I hope the House will indulge me while I say a few words in reply, because hon. gentlemen who desire fair play will feel that I am placed in a very unpleasant position, to say the least of it, in presenting this bill to the House, and at the same time I think that hon. gentlemen will also appreciate the fact that, for the reasons which I have mentioned, I should be a very great coward, and derelict in my duty as one who had always advocated every measure tending to the better observance of the Lord's day if I hesitated to take charge of the bill, bad as it is. I have told the House frankly the reasons which make it imperative upon me, no matter how the bill is drawn up, to present it. I did hope, however, that the spirit in which the House would deal with this bill would be this: that they would say, "here is a bill with reference to a subject on which this House has been petitioned time and again by large bodies of citizens, whose opinions are entitled to some weight and respect. We think the bill is a very badly drawn up one, but we desire to show, at all events, that we are not indifferent to the wishes and views of large bodies of the community, and if in any way this bill can be put in such a shape as really to conduce to the ends for which the bill was nominally framed, we are willing to give it a second reading, and cut it up as much as we please in committee, and if we find we cannot make a practicable bill at the third reading, to throw it out." At all events do not treat the bill as if the matter invelved in it was of no consequence. In moving the second reading of the bill, hoping it might be thoroughly criticized in committee, I did not think it would be my duty to point out at this stage all its faults, but I would again earnestly protest against our treating it with any reference to the merits or demerits of the member who had charge of it in the other House. All I ask is that we should show some regard for the opinions of our fellow-citizens as they have been expressed by the petitions addressed to this House for such legislation as might conduce to the better observance of the Lord's day, by at all events allowing the bill to go to a second reading, and then amending it in whatever direction may be thought proper in Committee of the Whole.

Hon. Mr. MILLER—I do not desire to prolong the discussion and I have nothing new to offer regarding the bill. The objections to it have been clearly stated by several gentlemen who have spoken to-day. I have no doubt the House fully sympathizes in the position occupied by the hon. member from York whom we all know to be in favour of the principle of the bill and friendly to any legislation tending towards the object which the measure ought to have in view,

but which it certainly would not accomplish. We all understand the position the hon. gentleman occupies of having to assume responsibility for a bill of which he certainly cannot approve. It is not a bill for the better observance of the Sabbath, but rather a bill for the desecration of the Sabbath, because it would make legal Sabbath work in the mail service now unknown in most of the provinces. It must be admitted by gentlemen well competent to speak, who have travelled in Europe and through Canada, as I think it is admitted everywhere, that there is no country in the world where the Lord's day is more properly observed than it is in the Dominion of Canada. I have travelled from Berlin in the north to Naples in the south of Europe, and I have spent many Sundays in various countries, and I have never be en in any country where there was more strict observance of the Sabbath, where there was a greater absence of anything like servile labour of any kind than in Canada. Now an objection to a bill of this kind, especially when it accomplishes no good purpose even if we put it on our Statute-book, is that it proclaims to the world that there is a necessity for legislation of this character, and that there must be unusual desecration of the Sabbath in order to justify such a measure being submitted to Parliament. I do not want to make any personal reference to the introducer of this bill or to his motives, for every one can form his own opinions upon that score. What I contend is that the bill legalizes the practice of the distribution of the papers and letters from the mails on Sunday, which is not the case in any part of the country now, and if that clause would have any affect at all, it would be ten times worse than the selling of a few newspapers by the small boy on Sunday. This bill would give a greater chance to desecrate the Sabbath than it will restrict improper conduct upon that day, and therefore it is not such a bill as should be sent to this House. If there was a gentleman in the House who would stand up and say he approved of the bill, or thought the passage of it might be a benefit, then we should consent to the second reading. But the sending of such a bill to the Senate is simply an insult which we can only resent properly by adopting the motion of the hon. gentleman from Halifax, which I intend to vote for. It may be said if we take that course it will go broadcast over the country that we are against the proper observance of the Sabbath, and against legislation to produce that effect. I am not afraid of anything of that kind, and if such a result were likely to occur, it should not deter us from doing our duty. Those who are agitating for legislation of this kind are an intelligent class. They are amongst the most intelligent people of our country, and know as well as anybody else that this bill is a miserable abortion as it comes up to us, and that if placed on the Statute-book, it might stand in the way of something better in the future. I am not at all afraid that the slightest misapprehension as to the action of the Senate will get abroad in this country by our giving the bill the six months' hoist. There is too much intelligence in this country for us to have any such fear, but whether we have or not, our duty is to act upon our convictions and reject the bill, which has not one single claim upon the attention of the House, and which would make the law upon the subject of Sabbath observance worse than it is at the present time. This country does not require this legislation. The opinion that has been expressed by every hon. member of the House regarding the subject will be appreciated by the people and prevent any misunderstanding. No member who has addressed the House on this question has said a word in opposition to the proper observance of the Sabbath. The tone of the debate has been of the most suitable and proper kind, and the intelligent electors of this country reading it will see that we have no animus against Sabbath observance in rejecting this wretched travesty of a bill. I shall cheerfully support the amendment of the hon. gentleman from Halifax.

Hon. Mr. REESOR—It is pretty well understood in our part of the country that a publisher in Toronto is very anxious to start a Sunday paper. This bill is opposed to the printing of papers on Sunday, but Sunday papers are usually printed on Saturday night and distributed on Sunday morning. The provision of this bill, as I read them, allow a Sunday paper to be published and distributed in the ordinary way through the post office and through the deliveries of the mail. That is something which we have

not allowed heretofore, something which has not been recognized on the statutes of Ontario or the statutes of the Dominion, and it seems to me that it has been overlooked by the hon. gentleman who has had charge of the bill in the other House, and possibly by the hon. gentleman who introduced it here. I am satisfied the members of this House desire a proper observance of the Lord's day, but certainly it seems to me if this bill is passed, matters are put in a worse shape than before, as far as the observance of the Lord's day is concerned, and it would be a strange thing if further investigation shows that to be the case. I have just read it hastily, and I have heard the opinion of my hon. friend opposite, and the opinion of the Minister of Trade and Commerce, and I quite agree with them that it would make matters worse than now, so far as the observance of the Lord's day is concerned, and it would be a strange thing if this Senate has not enough strength of mind to throw out this bill, lest its action should be misconstrued.

Hon. Mr. FERGUSON (P.E.I.)—It is my intention to vote for the motion of the hon. gentleman from Halifax, because I do not believe the bill is necessary. I agree with the hon. gentlemen who have already already addressed this House, that Canada stands equal, at least, to any country in the observance of the Lord's day. That being so, I do not see any necessity for legislation on the subject, and certainly not for such legislation as this bill proposes. Much stress has been laid by the hon. introducer of this bill on the fact that a measure of this kind has been called for by the different religious bodies in the country. While I have the greatest possible respect for the representatives of the different religious bodies, and for their views upon a great moral or religious question such as this, yet I fear that in some instances they are induced by parties, who perhaps have not altogether the same objects in view as they have to lend their countenance or support to legislation, which they have not very well, and properly considered, I am quite certain that this has been done in this instance, because the first clause of the bill reads in this way :—

1. Whoever shall on the Lord's day, either as proprietor, publisher or manager, engage in the printing, publication or delivery of a newspaper, journal or periodical, and whoever shall on the Lord's day engage in the sale, distribution or circulation of any newspaper, journal or periodical, shall be deemed to be guilty of an indictable offence.

In many churches in the province from which I come missionary publications and religious literature are received by the clergyman and distributed through the pews on Sunday to the subscribers to these publications. If I know anything at all about it, this section in the bill would render the people in the churches who distribute the denominational literature subject to a fine. The only exception to the rule is the gratuitous distribution on the Lord's day, and this distribution to which I refer is certainly not gratuitous. It would be an extraordinary thing if we legislated to make these people guilty of an indictable offence. I take objection to the bill on that ground, which has not been presented to the House, as well as on many others which have been presented by other hon. gentlemen. With regard to the canals, I must say I do not think the legislation is proper at all. I have passed through the Sault Ste. Marie Canal on the Lord's day on a steamer belonging to the Canadian Pacific Railway. It might have been at a season of the year when an order in council would under this bill permit it. There were thirteen steamers ahead of us waiting to go through and I think about twenty behind us before we got through. I am speaking of a canal which this bill would not affect, but the principle is the same. We are having a canal built on our own side. The Almighty put the lakes there to be used, and we recognize the propriety of all this, and do not propose to prohibit navigation on the Lord's day, and yet by this bill we are asked to say that what the Almighty says is right we enact is wrong. I cannot agree with any such legislation, and for these reasons will vote for the amendment.

Hon. Mr. PRIMROSE—I yield to no gentleman in this honourable House in my respect for the Sabbath and would be willing to go as far as any man here to insure its correct observance, but I do not think the object of the bill will be at all attained by the provision of this measure. In fact, as has been said already, it actually defeats the objects set forth in the title. It has been said here that petitions have come in repeatedly from the religious bodies in our Dominion asking for a law of this character. I question very

much if any one of those religious denominations would be disposed, had they the option at the present moment, to accept that emasculated skeleton of a thing presented to us to-day for consideration, as in any wise exponent of their views on this subject. Holding these opinions I wish to say I shall support the amendment of the hon. member from Halifax.

Hon. Mr. VIDAL—It appears to me we are wasting a great deal of time in discussing details at this stage of this bill. The errors and wrong expressions in the bill would all come under consideration in committee and would be either changed or struck out. We are simply now considering the principle of the bill. Is it right that we should have such a bill? I admit the force of the criticisms made by hon. members and I have some additional ones to make myself, but I attach a great deal of importance to the action that we may take with regard to the second reading. I do not like the idea of the Senate throwing out the bill in this brusque way and saying we will have nothing to do with it. There have been petitions to this House by a large number of the best people of this country asking for Sabbath observance legislation, and those petitions should have some weight with us. If we adopt the amendment what will go forth to the world? That a bill for the better observance of the Lord's day was passed by the Commons, and the Senate threw it out without looking at it. The community generally will not take the trouble of ascertaining the contents of the bill. They do not wait to investigate and see that a bill will actually secure what it proposes to secure; they will deal with the title of the bill simply. They will say that the Commons passed a bill for the better observance of the Lord's day in compliance with a request from the wisest and best people of our land, and that the Senate would not give it a second reading. By such a course we would lower ourselves in the estimation of the country and occasion a very unjust judgment to be formed against us. It would be done because they were not present to hear this discussion, and do not know the points of objection; they would only deal with the general question that such a bill was passed by the Commons and sent to us and rejected here. The least we can do is to let the bill have its second reading and then in committee, if we cannot get it in proper shape, there are ways of rejecting it, but it would be wrong for us to throw it out in this brusque way. It is not an unimportant question, now coming up for the first time. For years and years this question has been before, not only Canada, but other countries in the world, and any of you who have taken note of what is going on in other countries must have observed this fact, that for the last few years there has been a tendency in all civilized countries to have legislation of this kind—countries which heretofore have paid no regard to the protection of the rights of people to a day of rest, but have waked up to the importance of it. Their eyes have been opened to the fact that they are violating a law of that great Being who gave to man that day of rest and taking away from the people a privilege which has been given to them from on high. All legislation should be for the protection of the rights of the people and especially a right of that kind. The necessity of it and the importance of it are thoroughly established by recognizing what has been taking place for some years past—especially the facts which have been noted by people whose attention has been directed to the advantages of keeping of a day of rest and the result of it in countries where it is observed and countries where it is disregarded. Investigation has established the infinite wisdom which gave to man a seventh day of rest. Even those who pay no attention whatever to the divine authority for it, which to my mind is the strongest and highest consideration—I am quite aware that it is not an argument to be advanced here—regard the necessity of a seventh day of rest. In guarding the civil rights of the people it is right to point to the fact that there is connected with our bodily constitution a necessity for that seventh day of rest. It was attempted to be set aside at the time of the French revolution when, in the anxiety to remove every vestige of Christianity, every tenth day was made the day of rest, but it resulted only in evil, and they returned to the seventh day of rest. The experience of the whole civilized world is to the effect that it is a great privilege and right which belongs to the people and especially the working classes to enjoy that day of rest.

Hon. Mr. CLEMOW—We all agree to that; no one objects to it.

Hon. Mr. VIDAL—I am quite aware that you agree with the general theory, but I contend that this is a step in the right direction, although a very small one. By dealing with it in the way that the hon. gentleman from Halifax proposes, we are, as it were, setting our faces against the principle—we are declaring that the principle of the bill is not worth the consideration of this House. I hope that the amendment will be rejected and the bill will be allowed to go to the second reading.

Hon. Mr. DEVER—The great objection to this bill is its weakness—that it is not sweeping enough—but in my opinion it is in the right direction and I shall vote for the second reading.

The Senate divided on the amendment, which was adopted by the following vote :—

CONTENTS.

Hon. Messrs.

| | |
|---|---|
| Almon, | Macdonald (C.B.), |
| Angers, | MacDonald (P.E.I.), |
| Armand, | Merner, |
| Bellerose, | Miller, |
| Casgrain, | O'Donohoe, |
| Clemow, | Perley, |
| DeBlois, | Primrose, |
| Ferguson (Queen's, P.E.I.) | Reesor, |
| Glasier, | Robitaille, |
| Kaulbach, | Smith (Sir Frank), |
| McCallum, | Tassé.—22. |

NON-CONTENTS :

Hon. Messrs.

| | |
|---|---|
| Allan, | Prowse, |
| Bowell, | Read (Quinté), |
| Dever, | Scott, |
| Dickey, | Sutherland, |
| McClelan, | Vidal, |
| Macdonald (Victoria), | Wark.—13. |
| MacInnes (Burlington), | |

## INSOLVENCY BILL.

HOUSE AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (C) "An Act respecting Insolvency."

At six o'clock the Speaker left the Chair.

## After Recess.

The House resumed in Committee of the Whole consideration of Bill (C) "An Act respecting Insolvency."

(In the Committee.)

Hon. Mr. BOWELL—In moving that the chairman rise and report progress and ask leave to sit again, I desire to call the attention of the committee to the clauses and the subjects to which they refer, and propose to have these different clauses printed, as it is proposed to insert them in the bill, and circulate them on Monday morning, so that each member can have a copy and be better able to judge as to their merits, and thus be able to make suggestions after a little thought and consideration. The third clause stands, which deals with the definition of traders as affirmed by the vote in the House the other day. The 12th clause, which also stands, has reference to the annulling of the order, which is somewhat in its present shape, a little confused. The 35th has reference to the amount, 66⅔ cents on the dollar before any insolvent can obtain his discharge.

Hon. Mr. MILLER—I may say that I intend to move the motion I made in committee on that, to reduce it to 50 cents.

Hon. Mr. BOWELL—And the 61st clause also stands, which has reference to the dispute, you will remember, between the banks and the boards of trade. I am merely pointing out the reasons for allowing these clauses to stand, and the subjects to which they refer. My hon. friend on my right gives notice that he intends to make a motion with regard to the 35th clause. I know that the senator from Milton also intends to deal with that. The opinions on that point are as varied, perhaps, as there are clauses. Some are in favour of striking it out altogether upon the ground that if a man is insolvent, and has become insolvent honestly, there is no reason why he should not have his discharge because he cannot pay 66⅔ cents on the dollar. Others, again, think there should be a stated sum of 33⅓, while the majority of the select committee decided it should be 66. These are the changes in the first two. There is no necessity for changing the other, because that involves a principle as to the ranking of banks for voting at meetings of insolvents, but the other two, which are the most important, we will have printed for your consideration.

Hon. Mr. DICKEY—I should like to call the attention of the Minister to another point of some importance connected with this. I observe in this bill there is no scale of fees whatever. I have a very strong letter from the clerk of the county court in one of the counties of Nova Scotia, who is in a situation to know, because he was a clerk of the court under the former dispensation, and therefore he knows whether it is convenient or not. He presses strongly that there should be a scale of fees passed by this Parliament and annexed to the bill, so that every one on looking at the bill could tell how much it would cost, and so on, and that there should be no question about taxation, as there would be by leaving it to the scale of fees in the supreme court or any other court. He also presses it strongly on my notice that one of the great objections to the operation of the old Act was the enormous expense incurred in carrying it out, and as in this as in the other Act the court is called upon to act in almost every case at one stage or another of the proceedings, and then comes in the court expenses, the fees of the attorneys and the prothonotary and clerks and witnesses. As to the witness fees, there can be no difficulty, but with regard to the functionaries it is necessary and expedient, I think, that there should be some scale of fees attached to the bill. I do not know whether it would be necessary to do it now, because we shall probably hear more of this bill hereafter. We might do it hereafter, but I thought it my duty, as the matter was so strongly pressed upon me by one of the functionaries of the court who has to deal with it, to bring it to the attention of the Minister so that he might consider it and bring it to the attention of the House.

Hon. Mr. BOWELL—Does not the hon. member from Amherst think that the 116th clause, which provides for the very point to which he refers, meets his case much better than we can do it by attempting to set down fees. The first part of the clause refers to the province of Quebec and the subsections two and three to the other provinces. That gives the court the power to regulate the fees. It seems to me it would be somewhat difficult for us to attempt to lay down a scale of fees for all cases. However, it is a matter worth considering, if the hon. gentleman comes to a conclusion, after reading the clauses carefully, that it does not cover it.

Hon. Mr. READ, from the committee, reported progress and asked leave to sit again on Tuesday next.

The Senate adjourned at 9.15 p. m.

---

## THE SENATE.

*Ottawa, Monday, 18th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

### THIRD READINGS.

Bill (66) "An Act to empower the Niagara Falls Suspension Bridge Company to issue Debentures, and for other purposes."—(Mr. McCallum.)

Bill (49) "An Act to incorporate the Welland Power and Supply Canal Company (Limited)."—(Mr. McCallum.)

Bill (58) "An Act to incorporate the Lake Megantic Railway Company."—(Mr. MacInnes, Burlington.)

Bill (80) "An Act to revive and amend the Act to incorporate the Rocky Mountain Railway and Coal Company."—(Mr. MacInnes, Burlington.)

Bill (81) "An Act respecting the Erie and Huron Railway Company."—(Mr. Vidal.)

### SECOND READING.

Bill (101) "An Act to incorporate the Alberta Southern Railway Company."—(Mr. Perley.)

### PUBLIC HARBOURS BILL.

COMMONS AMENDMENT CONCURRED IN.

Hon. Mr. BOWELL moved concurrence in the amendments made by the House of Commons to Bill (U) "An Act respecting public harbours." He said: The change is not very great, although it is somewhat important. The third clause of the bill is struck out and instead of the word "all" they have substituted "any." It takes from the Government, in the case of the

ports of Quebec, Montreal, Three Rivers, Toronto, Halifax, Pictou and St. John, N.B., the power to make any rules or regulations affecting these harbours, which are managed under special Acts of incorporation, except they are asked for, or with the approval of the harbour commissioners, or, in as in the case of St. John, with the consent of the harbour board of that city.

The motion was agreed to.

## CALGARY IRRIGATION COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. PERLEY moved concurrence in the amendments made by the Standing Committee on Private Bills to Bill (55) "An Act respecting the Calgary Irrigation Company." He said: I have consulted the promoters of this bill, and they are quite willing to accept the amendments.

The motion was agreed to.

## JOINT STOCK COMPANY'S BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (EE) "An Act respecting the incorporation and regulation of Joint Stock Companies."

(In the Committee,)

On section 1,

Hon. Mr. BOWELL—Sections 1 to 5, inclusive, are taken from the corresponding clauses of the present Canadian Act, and there are no changes.

On subsection 1,

Hon. Mr. POWER—Paragraph 1 provides that "the expression company, means a company incorporated under this Act." The Hon. Minister of Trade and Commerce, at the second reading, said that, if possible, the Government would decide to have this Act, as far as regards liquidation, apply to companies already in existence—companies incorporated under chapter 119 of the Revised Statutes—and I wish to suggest that if the Government have not yet made up their minds not to do that, it would be well to keep paragraph 1 open, so that we can insert something like this: "As to purposes of liquidation, any company which may be put into liquidation under this Act" —just to keep it open.

Hon. Mr. BOWELL—I have no objection. We desire however, as far as possible in any amendments we may make, not to interfere with existing corporations. The suggestion made by the hon. member from Halifax, only applies to companies that are solvent and may desire to go into liquidation under the provisions of this Act. I see no particular objection to the suggestion of the hon. gentleman nor does the department whom I have consulted on this point, but in order that we may have further time to consider this particular point, it may be left open. We may leave the whole interpretation clause open until we finish the bill. Then, if there should be any change which would affect the interpretation clause, we could change it accordingly.

The clause was allowed to stand-

On clause three,

Hon. Mr. POWER—A change is made in the number. The existing law provides that "any five persons, etc.," and unless some evil consequences have arisen from that interpretation, I do not see why we should increase the number. If you can get five persons who bona fide go into an undertaking, I think that is sufficient.

Hon. Mr. BOWELL—It has been deemed by the Finance Department better to increase it to seven. It is greater evidence of the bona fides of the company. It is more difficult to get seven than five. I think it is in the way of protection rather than otherwise, and I should like to see it remain.

The clause was adopted.

On clause 5,

Hon. Mr. POWER—Speaking as a member from a comparatively small province, I think the provision as to the capital stock in the latter part of paragraph *b*, of subclause 4, is rather objectionable. The effect of that is practically that you cannot have a loan company with a less capital than about two million dollars. It may be easy enough to get a sum of that sort in Ontario or Quebec, but in the lower provinces it would be very difficult to do that, and if a company can pay in $100,000 they should be allowed to go into operation.. I do not think there is a loan company in Nova Scotia now —that is one recently established—which has more than $100,000 paid in. It would practically put an end to the establishing of

further loan companies in the lower provinces.

Hon. Mr. SCOTT—You can form companies under the provincial law.

Hon. Mr. BOWELL—That is the minimum capital under the present law and it is not deemed advisable to make it any less.

The clause was adopted.

On clause 50,

Hon. Mr. SCOTT—Is not this somewhat different from the existing Act?

Hon. Mr. BOWELL—Yes, it is copied from the English Act; it differs from ours in this respect: in our law there is no such liability, in the event of winding up a company, as this bill provides. A shareholder who receives information from a director that a company is about to fail can dispose of his stock, thereby relieving himself of his liability. This provision of the bill holds a past member of the company liable if the transfer has been made at any time within twelve months of the winding up of the company. This provision of the bill is considered much safer.

The clause was adopted.

On clause 81,

Hon. Mr. POWER—There should be some provision for serving process in the several provinces. Under this clause, any summons, notice or other such document to be served upon the company, must be left at the registered office of the company. There should be a provision for serving such documents upon any officer or agent of the company.

Hon. Mr. ANGERS—In the province of Quebec there is a provision for serving notice under such circumstances.

Hon. Mr. POWER—There should be some means of serving the process without having to go out of the province. Supposing a company is legally domiciled in Toronto and does business in Nova Scotia, and a liability is incurred in that province, under the clause of this bill relating to the subject the process must be served in Toronto. There should be a clause to provide that the process can be served on any recognized agent of the company resident in the province.

Hon. Mr. SCOTT—That is provided for already by the local legislatures.

Hon. Mr. POWER—The joint stock companies to be formed under this legislation will come under the jurisdiction of this Parliament, and clause 81 of this bill makes provision as to the service of legal documents. No local legislature can make a provision other than this in clause 81.

Hon. Mr. SCOTT—There are foreign companies and federal companies that have offices in the different provinces, and the services on any of those offices is held by the court to be good.

Hon. Mr. POWER—That may be true as to foreign companies, but not in the case of companies incorporated by the federal Parliament.

Hon. Mr. BOWELL—I am assured that a clause such as the hon. gentleman wishes to have added to this bill is wholly unnecessary, because each province has its own regulations on the subject. However, I will call attention to it and, if necessary, we can make the amendment suggested.

Hon. Mr. POWER—This is a matter of very great consequence and it would be well to have the opinion of the Justice Department on that point.

Hon. Mr. SCOTT—Even in the Division Court there is a provision made for service on the agents of any corporation whose head office is in another province.

The clause was allowed to stand.

On clause 93,

Hon. Mr. POWER—Is there no provision in the present Companies Act for an inspection or this kind.

Hon. Mr. BOWELL—No.

Hon. Mr. POWER—Does not the Minister think these provisions 88-93 might very well be made applicable to existing companies.

Hon. Mr. SCOTT—Oh no.

Hon. Mr. POWER—It seems to me when a company is incorporated it takes its charter subject to any subsequent amendments of

the law with respect to companies. These provisions are in the public interest and I do not think there would be any difficulty whatever in making them applicable to existing companies.

Hon. Mr. SCOTT—There are a great many family companies, the Massey-Harris Company and so on, and it would be absurd that they should be subject to this system which they never contemplated. It would be a foolish policy to adopt and could not be done with fairness.

Hon. Mr. POWER—The Massey-Harris Company is incorporated by an Act of Parliament and the provisions of this bill would not apply to it.

Hon. Mr. CLEMOW—It would be unfair, I think, to make companies at present existing, come under a process which was never contemplated at the time they received their charter. I agree, however, with the provision in its entirety, and think it a pity that it was not in operation long ago.

The clause was adopted.

On clause 160,

Hon. Mr. POWER—There is a provision in the beginning of the bill that a loan company shall not go into operation until $200,000 of the capital stock is paid in, and in clause 160, it is provided that companies shall not borrow money unless at least $100,000 of the capital stock has been paid up. I find the Minister was mistaken as to the provision in the existing law, which corresponds with clause 5 of the bill. In section 5 of the Act, the amount is $100,000, and not $200,000, as in the present bill. Why should we double the present amount? The Minister said the present law requires $200,000, but I find it only requires $100,000.

Hon. Mr. BOWELL—I have no recollection of giving any explanation of clause 5. Clause 5 of the bill is founded on section 4 of the Canadian Act. The underlined words are new.

Hon. Mr. POWER—The Minister said he was under the impression that the present Act required $200,000.

Hon. Mr. BOWELL—Supposing we change each of the clauses and make it $100,000 all through.

Hon. Mr. POWER—That is the best way.

The suggestion was adopted.

On clause 195,

Hon. Mr. POWER—If it is intended to bring existing corporations under the operation of this bill, this clause should be amended.

Hon. Mr. BOWELL—I doubt the propriety of doing so. The existing companies know exactly the extent of their powers and while there may be some reasons for adopting the suggestion, as a matter of principle it would be much better not to make the bill have a retroactive effect. It would be better to leave the companies already incorporated to the operation of the existing law, and let new ones come under this measure. If we were to act on the hon. gentleman's suggestion we would have to consider the propriety not only of including companies formed under the Joint Stock Companies Act, but also those incorporated under special charters. If it is an advantage to existing companies, formed under the Joint Stock Companies Act, it would be equally advantageous to those that possess special charters. It would be as well to leave matters as they are and let the existing companies come in if they like.

Hon. Mr. POWER—The position of companies incorporated by special Acts is altogether different from that of companies incorporated under the Joint Stock Companies Act. It is proposed to repeal all the provisions of the existing Act with respect to the formation of companies, and as we are making provision for the liquidation of companies, we could not be accused of passing retroactive legislation, because the liquidation has not taken place. One would not undertake to deal with liquidation which had actually begun, but if we can find a cheaper process of liquidating companies than is furnished by the existing law, I do not see why every company should not have the advantage of it.

Hon. Mr. DEBOUCHERVILLE—Is the proposition that liquidation only shall apply to existing companies? For instance, would not the provisions with regard to watering apply to existing co npanies?

Hon. Mr. BOWELL—No.

Hon. Mr. BOULTON—I think they should.

Hon. Mr. POWER—If it was understood that hereafter every joint stock company going into liquidation should come under the provisions of this Act, there could be no confusion whatever—any voluntary liquidation must be under the provisions of this bill. If we leave the law as it is now, companies incorporated under this bill must be liquidated in one way while companies incorporated before the passage of this bill must be liquidated in another way, and there is danger of confusion and doubt. The subject is worthy of consideration and I would suggest that the clause be allowed to stand.

Hon. Mr. BOWELL—There is no necessity to let it stand. If it is advisable to adopt the policy that the hon. gentleman suggests, a new clause would be required to provide that companies now in existence might take advantage of it.

Hon. Mr. CLEMOW—They could do that anyway, could they not?

Hon. Mr. BOWELL—No.

Hon. Mr. DICKEY—With regard to this question, it appears pretty clear that the framers of this Act contemplated that the winding up of companies already formed should be left to the operation of this measure, because he said:

> The Companies Act, chapter one hundred and nineteen of the Revised Statutes of Canada is hereby repealed so far as regards the formation or incorporation hereafter of any company by virtue of any of the provisions thereof, but every company incorporated by virtue of the said Act shall so remain and no provision of the said Act shall, as touching any such company be in any wise affected by this Act.

This is as to the incorporation of the company. Therefore, it is an apparent contradiction. If you intend that the winding-up part of the bill shall not apply, you must alter that repealing clause, and make it applicable to the winding-np as well as the formation or incorporation of every company.

Hon. Mr. BOWELL—If the hon. gentleman reads that carefully he will see that this does not go so far as he says it does.

Hon. Mr. ALLAN—Does the hon. gentleman not think it worth while to consider whether it may be advisable to give the companies at present established the advantage of the present provisions for winding up?

Hon. Mr. BOWELL—I will bring the matter under the notice of my colleagues and see if they concur in the views taken by hon. gentlemen; if they do, a special clause will be drafted for that purpose.

The clause was adopted.

On table "B,"

Hon. Mr. POWER—What were the fees formerly for registration of a company whose capital does not exceed $20,000?

Hon. Mr. BOWELL—The old fees were $40, and they are increased to $200. These fees are not heavy, in proportion to what is charged in England. It was thought that the formation of these companies might be made a source of revenue, and it would be more likely to result in good solvent companies being organized.

Hon. Mr. POWER—Forty dollars is a very small fee, but $200 seems to me to be too much, and if the fees are made too large, the Government really defeat their own object, because it would be cheaper to go to the Local Legislature, and about as cheap to come to this Parliament. I think if the fees were $100, the Government would get more revenue.

Hon. Mr. BOWELL—If they come before Parliament and employ a lawyer to draft their Bill, I think by the time they get through the committee, it would cost them just as much. $200 is little enough for a company with a capital of $100,000.

Hon. Mr. POWER—I am speaking of the fee for the smallest company, where the capital does not exceed $20,000. It may be only $5,000.

On clause 2,

Hon. Mr. BOWELL—This is the interpretation clause, and it will not in any way affect the suggestions made by the hon. member from Halifax and the hon. member

from York. A provision can be made by special clause, that notwithstanding anything in this Act, etc., etc.

The clause was adopted.

On clause 81,

Hon. Mr. BOWELL—I am going to make a suggestion in reference to this clause, that we should pass it and if it be found that it does not carry out the suggestions made by the hon. member from Halifax, I will move, upon its third reading, that it be referred back to the committee for the purpose of making such amendments as will accomplish the same object, and we will gain a day in passing the bill should it be found unnecessary to make the changes. With regard to the other changes, I can adopt the same course.

The clause was adopted.

Hon. Mr. VIDAL, from the commiteee, reported the bill with amendmeuts, which were concurred in.

The Senate adjourned at 5 p.m.

---

## THE SENATE.

*Ottawa, Tuesday, 19th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. FERGUSON (Queen's, P.E.I.) moved :

That an humble address be presented to His Excellency the Governor General : praying that His Excellency will cause to be laid before the Senate, a copy of the report made on the 5th May, 1891, by Sir Douglas Fox, regarding the proposed tunnel under the Straits of Northumberland.

Also, copies of reports on the same subject by Mr. Francis Baine, dated the 9th and 18th of December, 1890, and the 14th of March, 1891.

He said : I make this motion in accordance with the understanding arrived at on Thursday last at the suggestion of the hon. leader of the House, with the object of having the report brought down and printed in the sessional papers. The understanding was that the report alone should be brought down, without the plans and maps which are attached to it. If necessary, I will have the motion amended so as to have only the report brought down, as the publication of the plans and maps would be expensive.

Hon. Mr. ANGERS—I would ask the hon. gentleman to modify the motion by stating that the report should be brought down without the plans, because if the order of the House is transmitted in this shape, the officers will think that the plans are included and they could not take it upon themselves to leave them out.

The motion was amended accordingly and agreed to.

## JOINT STOCK COMPANIES INCORPORATION BILL.

THIRD READING.

Hon. Mr. BOWELL moved the third reading of Bill (EE) "An Act respecting the incorporation and regulation of Joint Stock Companies." He said : The House will remember that when we were in committee yesterday upon this bill I intimated I would call the attention of the Justice Department to the suggestions thrown out by the hon. gentleman from Halifax in reference to the clause which provides for the serving of processes in certain cases. The law officers of the Crown are under the impression that that is not necessary. In reference to that provision of the bill which refers to solvent companies going into liquidation, I had a conference with the Minister of Justice and he said that he could see no serious objection to adopting the suggestion, but thought it inadvisable, without further consideration, to make any of the provisions of the bill applicable to companies already in existence and working under another law, but that he would give the matter further consideration and if he deemed it necessary or advisable to make those clauses applicable to companies now working under the Joint Stock Companies Act, he would attend to it when it reached the House of Commons.

The motion was agreed to and the bill was read the third time and passed.

## THIRD READING.

Bill (53) "An Act respecting the Calgary Irrigation Co."—(Mr. Perley).

## INSOLVENCY BILL.

IN COMMITTEE.

Hon. Mr. BOWELL moved that the House resolve intself into a committee of the whole on Bill (C) "An Act respecting Insolvency."

Hon. Mr. DICKEY—Before the Speaker leaves the chair, I should like to make a remark or two in reference to the bill before the House, and in doing so I may say, for the comfort of the House, that I do not intend to discuss the bill at large. It will be remembered at a former stage of the bill, on the second reading, it was suggested, and the suggestion was acted upon, that means should be taken to ascertain the views of persons, as far as they could, in the country upon the bill as then proposed, and in accordance with that I placed myself in communication with certain persons in my own county by sending them copies of the bill, expressing the wish that they should return to me their opinions thereon, and I perhaps may be excused for again reminding the House that it was the bill as originally introduced that was thus distributed. In response to that, I received several communications from the mayor and the ex-mayor of the shiretown of my own county, and from several leading merchants and manufacturers of that district, and from one who for a long time represented the county in the local legislature. I will trouble the House by reading extracts from these replies unaccompanied by any remarks of my own, but I think it is due to the writers to give their opinions and due to myself, when I took the trouble to send for those opinions, that I should at all events extend to them the courtesy of having their opinions made known to the House and the country. The first communication, after stating several leading objections to the bill with which I shall not trouble the House, goes on to say :—

I have known large Upper Canadian firms give credit to a class in our country villages that I would certainly hesitate before granting. It increases the number of insolvents, the creditors being removed from the neighbourhood, and not being in sympathy with the debtor, conduct his affairs on "business principles," become suspicious of renewals, lighten his accounts, if possible and force insolvency. It lessens the debtor's credit at home, while temporarily improving it abroad. When the time of difficulty comes he is unable to obtain the necessary assistance and failure follows. During the recent hard times I believe there are many persons in this province, who, by judicious renewals and assistance of creditors have tided over their difficulties, and are now solvent, where, under an insolvency law, they would have been forced into bankruptcy. Under the present law the debtor is not subject to imprisonment for debt, nor can he be unduly harassed by the creditor, and I have never known a case where the honest but unfortunate debtor failed by mutual agreement to obtain a fair compromise or settlement with his creditors.

I may say that is entirely in accord with my own experience.

The present method is inexpensive. Under it I have compromised debts for fifty cents on the dollar, when, under the proposed law I do not think an estate could be made to pay ten cents. I do not see any reason why it should embrace any but legitimate dealers for the larger estates.

I need not read further because that is a consideration outside of the question—whether it should be confined to traders. Then he said finally :

I think no great disaster would happen to the country at large if this matter were given another year for further ventilation.

The next opinion is that of the gentleman who, as I have already stated, represented my own county for many years, and I suppose it will hardly alter the opinion of hon. gentlemen on the subject to add that certainly his politics are not in accordance with mine. He says :

It does not seem to be the opinion of our business men that such an Act is needed. The majority of those with whom I have spoken on the subject were of the opinion that the effect of the Act would be to increase the foreign credit of traders, and decrease their local credit. I am using the word "foreign" here to include the credit which our traders receive from Montreal and Toronto houses.

The next is from a practical man, being an officer of the court who is familiar with the working of the law, and he says that—

The Act looks too cumbersome to be of general utility.

As I understand it, a receiver is appointed who takes charge of the estate until the creditors appoint an assignee. All these people have to be paid, and in some estates the whole will be used up in expenses.

He is a man who speaks from long practice, and he adds :

On general principles I think the trouble lies with the wholesale men, who are so anxious to do business that they credit any one and induce people to buy their goods before they are needed.

He thinks that is the source of the trouble. Now there is another also from a cautious man, who says :

I cannot reply intelligently to your request. I notice many of the commercial papers, reviews and boards of trade are unfavourable to the bill. Personally, I am of the opinion a good Insolvency Act would be of advantage or beneficial, and, as far as I can judge from a hasty perusal of the bill, the main features are good, but I agree with you that it is best to make haste slowly, and by allowing the bill to stand until next session would give ample time to get the views of business men in all sections of the Dominion.

There is only another, which comes from one of the most reliable authorities that we have in my own part of the Dominion :

After your committee get through with it, if Parliament would have a large number of copies printed, as amended in committee, have them sent to boards of trade, county and town councils, and leading commercial men, requesting them to study and debate on the Act and report to next session, I believe a much better Act would be the result.

In that respect he follows out the suggestion of the ex-mayor of the town.

I do not think the Act is needed at present and believe the request for it comes from about one or two hundred leading wholesale merchants, mostly in Montreal and Toronto. My experience is that more than half the traders are liable to be short of money at some time in every year, and have to be accommodated with renewals on notes or postpone payments, and if these people were forced to assign, the number of failures would be ever increasing. One failure brings on another by the slaughter of bankrupt stocks, as well as by destroying confidence. Very few, however successful, but what can look back to some period when they might have been forced into insolvency under such an Act as this. I say that no one should assign or be allowed to assign so long as there is a possibility of getting on, and not then unless he is incompetent or dishonest. If the party is competent and only lacks capital it is much cheaper and better for creditors to compromise for a percentage of amounts due. Referring to section 50, it seems to me that any creditor who is opposed to the debtor being placed in insolvency, and does not sign off or accept any dividend should be allowed to take judgment for the amount of debts. There are many people with little or no means and of the same amount of brains, who would gladly become traders if they knew they could pay their debts.

Further on he says :

I am afraid it will be an injury to the Maritime Provinces. I believe also it will be unpopular.

I need offer no apology to the House for reading these opinions. I have several other communications, but it would only weary the House to attempt to read them. The general tenor of public opinion I found to be this: very few approve of the bill ; a somewhat larger percentage thought that the bill might be improved by amendments so as to work ; but the overwhelming opinion was against having the bill at all until at least it was sent to the different parts of the country so that the people might know exactly what sort of a measure they would have. I do not wish to take up time making observations of my own ; I am merely communicating the information which I have received from persons in my own province more competent to judge than I am. Before resuming my seat I ought to say in justice and fairness to the Government that they have treated the House and the committee very fairly in regard to this bill. They adhered to their bill as long as they could, and when they found it necessary, in deference to the opinion of the committee, they yielded, particularly of late, on this question as to what class of persons the bill shall apply to. They have yielded not only to the opinion of the committee but also, as it seems by these letters, to the overwhelming opinion of people in the country, that this bill in the first instance should be, as the last bill was, confined to traders, or persons whom you may define as traders, and in regard to that I think the Government have made a very much better definition than it had in the first bill. That was entirely too wide and made it absurdly extensive, so that it included persons that really it was not necessary to legislate about, and I think that the amended bill is a very great improvement. The circular which has been submitted as to the amendments to be made to the bill is entirely in accordance with my own feeling, and I think they would be a very great improvement.

The motion was agreed to.

(In the Committee.)

Hon. Mr. BOWELL—The House will remember that the motion which was carried at the sitting of the Senate, confined the operation of the bill to traders, and the third clause was consequently left for the consideration of the committee to-day. I therefore move that the 3rd

clause of the bill be struck out and the following substituted therefor:—

3. This Act applies only to traders as hereinafter defined to incorporated companies, carrying on a business which if carried on by a person would make the person so carrying it on a trader within the meaning of this Act, and the word "debtor" in this Act means a trader or incorporated company subject to its provisions.

2. The following are traders within the meaning of this Act:—

(*a.*) Persons who as a means of livelihood buy or otherwise acquire goods, wares, merchandise, or commodities, ordinarily the subject of trade and commerce, and who sell or otherwise dispose of the same to others;

(*b.*) Commission merchants, whether they sell by auction or otherwise;

(*c.*) Manufacturers of goods, wares, merchandise, or commodities, ordinarily the subject of trade and commerce;

(*d.*) Millers of all kinds;

(*e.*) Builders and contractors for buildings or other works;

(*f.*) Common carriers and persons engaged in the business of shippers, trans-shippers or forwarders of goods;

(*g.*) Underwriters or persons insuring vessels or their freights against the perils of the seas.

3. If a debtor within the meaning of this Act ceases to carry on the business which makes him subject to the provisions of this Act, he shall nevertheless continue to be subject to the provisions of this Act so long as he has outstanding debts and liabilities contracted or incurred in the course of such business, which would under this Act be provable against his estate and which are not barred or prescribed by any Statute of Limitations or otherwise, but no proceedings shall be instituted against such debtor by a creditor under this Act unless founded upon a debt or liability contracted or incurred in the course of such business.

4. Nothing in this Act shall be construed to make any of the provisions of this Act apply to the following companies, societies or corporations, or any of them, that is to say, incorporated banks, savings banks, insurance companies, loan companies, building societies, railway companies (including electric and street railway companies), telegraph or telephone companies, or municipal, school, or other corporations of a public nature.

There may be some diversity of opinion as to the definition of what is to be considered a trader, and I should be glad to receive suggestions from hon. gentlemen with reference to this particular clause so as to extend its operations, or restrict them if it be deemed advisable to do so.

Hon. Mr. MACINNES (Burlington)—As I understand it, all classes of the community are included excepting farmers.

Hon. Mr. POWER—No, it is confined to persons in trade.

Hon. Mr. MACINNES—What are you going to do with farmers who carry on ranching operations?

Hon. Mr. SCOTT—Leave them out.

Hon. Mr. MACINNES—In these days a farmer may be a trader. He may run a ranche, buy and sell cattle, etc.

Hon. Mr. SCOTT—If the court considered that that was his means of livelihood, I presume the court might include him.

Hon. Mr. BOWELL—I think if the hon. gentleman reads clause *a* he will see that it covers the case to which he refers. If a man is a merchant and carries on a farm he is included.

Hon. Mr. POWER—I presume my hon. friend has satisfied himself that millers of all kinds do not come under the classification of traders. They manufacture goods, wares, merchandise and commodities. I am not objecting particularly to the presence of this paragraph, but I do not think it is necessary.

Hon. Mr. KAULBACH—They will come under the classification of manufacturers. Some men have small portable mills which would not bring them under the operation of this bill.

Hon. Mr. BOWELL—My attention was called to this before and I came to the conclusion that they came within the meaning of the clause, but in order to prevent any mistake or difficulty in the future I think it would be as well to allow it to remain. It can do no possible harm and makes it more clear in its explanation.

Hon. Mr. SCOTT—But unless a miller is actually in the buying and selling business he should not come under this bill. Take the case of a miller who collects tolls for grinding grain.

Hon. Mr. McCALLUM.—What does he do with the tolls—does he not sell them?

Hon. Mr. FERGUSON (P.E.I.)—In our province we have several small millers who are merely customs millers, who grind grain at a toll or a certain rate. I think subsection *a* would allow them and farmers to

come in—that is, farmers who buy and sell cattle. I think it would be better that they should come in, but I am only pointing it out.

Hon. Mr. ANGERS—As to the definition of what a farmer is, the exemption granted under this bill applies only to a farmer who sells the produce of his farm. If a farmer buys cattle from other farmers, for the purpose of selling them, and not merely for the purpose of stocking his own farm, he becomes a trader. That is the definition the courts have always held. If a man claims the advantage of calling himself a farmer, you have to distinguish whether he sells more than the produce of his own farm. If he goes into business beyond that, he becomes an ordinary trader.

Hon. Mr. POWER—When I made the suggestion which I did, it was not on the ground taken by the hon. gentleman from Ottawa, or the hon. gentleman from Marshfield, but it was that paragraph *d* was unnecessary because the millers were included under *c* but if those millers who simply take tolls are not included under *c* I think it is better that they should be omitted. A miller who comes under the class of manufacturers would come under clause *c*, and if he is not a manufacturer I do not think he should come in.

Hon. Mr. McCALLUM—There are very few millers of that kind in the province of Ontario. If they do grind grain for a toll, they sell the flour and with the proceeds buy wheat to grind. I think it is better to leave the miller in. If it is better to go into insolvency, why not give them all the benefit, if it is going to make them rich.

Hon. Mr. REESOR—During the last 20 or 30 years nearly 90 per cent of all the millers in the country have had to go out of business or into bankruptcy. Very few of them but have made some sort of private settlement with their creditors. They have bought wheat when they thought flour was going to sell at a good price and have lost money. Almost invariably the miller, who had been successful as a farmer and thought he would do a good deal better if he had a mill in addition, and, if he had a water privilege, built a mill and had a store and carried on a fine business apparently that promised great success, and in 10 or 15 years lost his mill his store and his farm. That has been the case to such an extent that in the old counties of York and Ontario, where there were a great many millers, they have nearly all gone out of business. They have dwindled down to doing a little grist for the neighbouring farmers or chopping up stuff for stock. The milling is done by the large establishments such as the Ogilvie mills and others, and the St. Catharines mills, where they have a very large power at a small cost, and the products of those mills are shipped to such places as the county of York. All the little villages there are supplied with flour from those large mills. The manufacturing millers have given up the business in the main. A few still do what you may call a gristing business and a few perhaps supply the bakers, but the greater part of the work is being done by the large mills and a great deal of the flour is shipped from Manitoba to the neighbourhood of Toronto where formerly a great deal of milling was done. I think the fewer men in the country that venture upon running a moderately large mill the better, because they are almost sure to fail. Many of our shrewdest men have failed in the business. Not one in ten has succeeded and in some sections of the country not that many. Where they fail they ought to have the advantage of the Act. Many of these men are good, honest, pushing men, and if they happen to get into bankruptcy they should not be left hopelessly in debt and it would be a pity if they were obliged to leave the country in order to start a new business. There are even farmers in that condition. We had supposed until recently that in the counties of York and Ontario, in the vicinity of a large growing manufacturing and commercial city, there was no danger of our farms going down in price, but we found that we were mistaken. In a few cases, where property was forced into the market, we found that farms had gone down 50 per cent in price, and parties who were supposed up to four or five years ago to be worth $25,000 or $30,000, owning three or four large farms, energetic men, whose forefathers had settled in that part of the country as far back as the year 1800, are hopelessly involved to-day. Some of them had ventured, perhaps, a little too far in taking up lands in Manitoba in the interest of their families, and they invested so much that the fall in

value of the real estate at home has utterly ruined them, leaving them ten or fifteen thousand dollars worse than nothing, not through any dissipation or wild trading, but through the decrease in values; and now, according to this bill, there is no remedy for these men but to leave the country. It is hardly to be expected, if a man has had a farm with two or three mortgages upon it and he comes to sell the farm and it pays the first mortgage only, leaving a second mortgage of ten or twelve thousand dollars, that the mortgagee would be satisfied to lose all. Yet such a case has occurred in the township of Markham, within twenty miles of the city of Toronto.

Hon. Mr. MACDONALD (B.C.)—No one should take a second mortgage. It is no security.

Hon. Mr. REESOR—It is a very serious matter to force a family of that kind to leave the country in order to get free from debt so that they can work again. They were thoroughly good farmers, good stock-raisers and good dealers, but the price of the land went down, some of it about 60 per cent, but most of it 50 per cent. Of course these are exceptional cases.

Hon. Mr. KAULBACH—The class of millers to which my hon. friend refers would certainly come under clause *a* or clause *c*.

The amendment was adopted.

On the 12th clause,

Hon. Mr. BOWELL moved that the 12th clause be struck out and the following substituted therefor :—

12. If on an application for a receiving order, or on an application to annul a receiving order, the court is satisfied that the debtor has not committed the alleged act or acts of insolvency, or that he is not indebted to the creditor making the application, or that he is not indebted in an amount sufficient to entitle such creditor to make application for a receiving order under this Act, or that the claim of the creditor was procured in whole or in part to enable him to take proceedings under this Act, or if the act of insolvency or any one of the acts of insolvency upon which the application is based is an act of insolvency under subheadings (*a*) or (*g*) in section four to this Act, that the debtor is able to pay his debts and his ceasing to meet his liabilities or failing to satisfy the execution was only temporary and was not done by the debtor with any fraudulent intent or caused by any fraud or by the insufficiency of the assets of the debtor to meet his liabilities, the court may refuse the application or may annul the receiving order, and may make such order as to the costs of the proceedings as it thinks just.

2. If it appears to the court on an application for a receiving order that the proceedings were taken by the creditor without reasonable grounds and merely as a means of enforcing payment of the debt due to him under colour of proceeding under this Act, the court may refuse the application and may order the creditor, in addition to the payment of the costs of the proceedings, to pay to the debtor such sum in the nature of damages as to the court seems just and reasonable.

3. The court may at any time annul a receiving order if it is satisfied that the debts of the insolvent are paid in full, and a debt which is disputed by the insolvent is to be considered as paid in full if the insolvent gives security to the satisfaction of the court to pay the amount to be recovered in any proceeding for the recovery of or concerning such debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified is to be considered as paid in full if paid into court.

The amendment was adopted.

On clause 35,

Hon. Mr. BOWELL—This clause was allowed to stand. A number of hon. gentlemen think that 66⅔ cents in the dollar is too high, because very few could receive advantage from it, and notices of amendments were given with reference to the clause.

Hon. Mr. MILLER—There was a good deal of diversity of opinion with regard to this clause, in the select committee. The bill, as it originally stood, contained the words "one-third," and in the committee I made a motion to have the amount made one-half, which was met by a motion of the hon. gentleman from Truro that the words "two-thirds" be substituted for the one-third, which motion was carried. I now renew my motion, and my reasons are that I consider an estate which is able to pay 66⅔ cents on the dollar after all expenses, and after the shrinkage in values and losses which must occur in consequence of an act of insolvency, is an estate that should not go into insolvency at all—that it must be perfectly solvent, and under proper arrangements would doubtless realize 100 cents on the dollar. The select committee thought differently, however. A fair view to take of a trader in embarrassed circumstances would be that until he conceives his estate is unable to pay, including costs, to his creditors, in all 66⅔ cents on the dollar, any honourable, courageous man desiring to retain his reputation in business,

may continue his business and struggle against difficulties with the reasonable hope of paying his creditors in full, and that he should have the opportunity of doing so; but I consider that to pay fifty cents on the dollar on the estate would require at the time of the act of insolvency that that estate should be worth at least 66⅔ cents on the dollar and that 16⅔ cents would be little enough to pay the costs and losses which would accrue on a trader going into insolvency. Under those circumstances I think it would be hard to prevent a man obtaining a discharge who could pay over 50 cents on the dollar and all expenses. I know there are many gentlemen in this House who differ from me and think that the bill as it originally stood was really fairer and juster than 50 cents on the dollar, and I am informed that there are some gentlemen who even believe it would be better to have no sum at all, and let any honest debtor have the benefit of composition and discharge without the loss and expense of complete liquidation proceedings, no matter how much his estate could pay, who could show a satisfactory account to the court, and be allowed under the law to go free from the responsibilities of his debts contracted through misfortune in trade. The subject is one which the committee and every hon. gentleman who listens to me understands as well as I do, and therefore it is not necessary for me to occupy the attention of the committee at any length upon it. I may say if my motion fails I shall be prepared to vote for any motion not below the sum fixed in the original bill. I shall, if I am forced to a choice between 66⅔ and 33⅓, vote for the smaller sum, but I think I strike a juster medium in moving this amendment of 50 cents on the dollar, which has the advantage of being in accordance with the English law on the subject. I therefore move, that "two-thirds" in the said clause be stricken out and "one-half" substituted therefor.

Hon. Mr. PRIMROSE—I am thoroughly in accordance with the expressions which have fallen from the last speaker, and I do not think it worth while to recapitulate what he has said on this section of the bill.

Hon. Mr. POWER—I think we ought to be perfectly clear as to the effect of the amendment before we adopt it. The hon. gentleman from Richmond spoke as though no insolvent had a chance to get a discharge under this bill if it should become law, unless he paid 66⅔ cents on the dollar. If any hon. gentleman will turn to section 43 he will find that at or after the expiration of one year from the date of insolvency, the insolvent may make an application, and he may be discharged.

Hon. Mr. MILLER—I am dealing with clause 35 and the subject of it.

Hon. Mr. POWER—Under clause 43, at the expiration of a year, the debtor who may have paid only 30 cents on the dollar, can apply for a discharge without the consent of his creditors. What does clause 35 mean? It means this, that at the first meeting of his creditors, before any considerable expense has been incurred, if the insolvent submits a proposition to pay 66⅔ cents, and his creditors execute a deed of composition and discharge, he goes on with his business, having been relieved from one-third of his debts. That is not too bad. It is desirable that we should be a little strict. The bill now applies to traders only, and a man who is engaged in business should be made to keep his books in such a condition that he can tell when he is going behindhand, and that as soon as he finds he has gone appreciably behindhand and is not able to pay more than two-thirds of his liabilities, he should take the benefit of this Act and put himself in the hands of his creditors. Why should he wait until his estate has been frittered away to 50 cents on the dollar? Why should the creditors be obliged to take 50 cents on the dollar if by winding up his affairs at the proper time, he could have paid them 66⅔ cents? In England there is a provision that in the end the judge may refuse the discharge to the debtor if he does not pay 50 cents on the dollar. We have no such provision in the latter part of this bill, but clause 35 deals with the case of debtor who practically gets a discharge from his creditors without going through the various processes of insolvency; he does not go into liquidation at all, practically; and with all deference to the opinion of the hon. gentleman from Richmond and those who agree with him, I think the majority of the committee were wise in fixing that limit. Some of the boards of trade—and the boards of trade represented the classes who were anxious for this measure—sug-

gested 75 cents. We have not gone as far as that, but any man who is conducting his business in a businesslike way ought to know when he has got into that position that he cannot pay more than two-thirds of his liabilities, and he ought to let his creditors know the position he is in, and put himself into their hands and allow them to give him the discharge which they almost invariably will do. It is a mistaken mercy or consideration for the debtor to allow him to go on from bad to worse. Hon. gentlemen know how it is. A man gets into difficulties, and he hopes against hope, may be year after year, that he will be able to improve his condition, and in 19 cases of 20 he is going from bad to worse all the time. Is it not better for himself and his creditors that as soon as he gets seriously into difficulties he should put himself in his creditors' hands and let them have what he has?

Hon. Mr. McKINDSEY—I think the hon. gentleman from Halifax does not quite understand the application of section 35. Section 34 explains it, because he must become an insolvent first, and then if he comes to the conclusion that he can pay 66⅔ cents on the dollar, he has the short way of getting his discharge by filing a deed of composition. However, hon. gentlemen, I am opposed in the first place to the whole of these clauses. The bill itself, in the first place, simply provides the machinery whereby, if a man become insolvent, the assets of his estate can be taken from him legally and placed in the hands of his creditors. As far as that part of the law is concerned, I am perfectly satisfied, but this bill does not apply when the estate is handed over to the creditors. The creditors then take charge of it. They appoint a liquidator, appoint their trustee, dispose of the estate and wind it up. This provision intervenes, as I understand it, when the application is made, and the receiver, who is the proper officer to transfer the estate from the insolvent to the creditors, hands them the assets. Then they belong entirely to the creditors, and if the creditors find, at the first meeting after the estate has been estimated, that the whole estate after it is wound up can only pay 30 cents, is there any reason why they, who own the estate, should not accept the 30 cents without forcing the estate to a sale and perhaps, after it is wound up, find that it will only pay 20 cents?

Hon. Mr. McCALLUM—Of course the creditor will accept it if it is all he can get.

Hon. Mr. McKINDSEY—When the estate is handed over to the creditors it has to be divided amongst them, so much on the dollar. This is to enable the debtor to come in and say "I will give you 50 cents on the dollar for that estate because that is all there is in it," but this clause says you cannot do that; you have to let the liquidator wind this up and declare the dividend, notwithstanding the debtor had offered all it was worth. What I mean to say is this, that when the receiver has handed the estate over to the creditors, that the creditors should be possessed of the whole estate to deal with it as they think best in their own interests and if the estate is only worth 20 or 30 cents let them accept the 20 or 30 cents and give him the discharge. There is no reason why this law should step in and say you cannot do that.

Hon. Mr. McCALLUM—But if they agree to that it is all right.

Hon. Mr. McKINDSEY—My argument was that these clauses might be eliminated from the bill and when the estate was handed over to the creditors they would in their own interest make such a composition as the estate would bear, and we have no right to say whether it shall be 66⅔ or 75 or 50. The property belongs to the creditors and they should have the disposition of it, and after all, when the creditors accept the deed of composition, the unfortunate debtor has not got his discharge, but must go to the court for it. In my opinion the whole clauses should be struck out. When it was 33⅓ I thought most of them would come within that range, but when they got beyond that, I think there is not an estate in 500 that could take advantage of this law. It will be an encumbrance on the statutes. I hope hon. gentlemen will consider these clauses, because they are very embarrassing. I do not think they can be utilized by the debtor, and it appears to me to be that kind of legislation which will enable parties who can evade the statute to come in and do so. Assuming that an estate could only pay 40 cents on the dollar, there is no reason why he could not say to the party who is going his security "John, buy that in at 40 cents and

we can carry on the business in my wife's name or the name of somebody else." He can evade that law as it stands to-day. I say this is improper legislation. Our duty should be to make the law so perfect that you could not do that. Under these clauses as they stand now, there is no trouble in three or four ways to evade the law which makes it an absolute nullity, and there is no penalty attached to it. I am opposed to the 50 cents and I propose now to move that section 35 be amended by striking out the word "two-thirds" and substituting therefor "one-third."

Hon. Mr. McCALLUM—It is a very strange doctrine to me to say that if there are half a dozen persons here and somebody is indebted to us that we cannot give him a discharge. If the creditors clear him he should be clear certainly, but here in the Senate there appears to be a great deal of sympathy for the poor debtor. The debtor did not ask you to pass this legislation. It is the creditors of the country and not the debtors. Before the bill is through I may speak of these creditors, who they are and by what authority they ask Parliament to pass a bill of this nature and why Parliament is doing it. I shall vote to keep the $66\frac{2}{3}$ cents in the bill.

Hon. Mr. MILLER—I want to make a suggestion to the hon. mover of the amendment. His purpose would be more likely to be obtained by allowing my motion to be put without amendment, and if it fails, then he can put his motion as a first amendment to the clause. I stated myself that if my amendment failed I would vote for the $33\frac{1}{3}$ cents. There may be others in the same position as myself who would prefer 50 cents but if defeated on that, would vote for $33\frac{1}{3}$ cents. He would certainly lose my vote on the amendment and perhaps the vote of others, and not get the sense of the committee so well.

Hon. Mr. FERGUSON (P.E.I.)—I agree with the remarks of the hon. gentleman from Halifax, and I think the bill will be much better if it is allowed to stand as it is now at $66\frac{2}{3}$ cents. There seems to be a misapprehension in the minds of some hon. gentlemen in regard to this matter. Some appear to think that no man can get the benefit of this measure at all unless his estate will pay $66\frac{2}{3}$ per cent.

Hon. Mr. MILLER—I do not think any one thinks that.

Hon. Mr. FERGUSON (P.E.I.)—I know my hon. friend from Richmond does not think so, but from remarks that I have heard from other hon. gentlemen, they are really under the impression that no man can get the benefit of this bill unless his estate can pay that percentage. That is not the case. It only provides that he can get his discharge with the consent of the creditors, without going into liquidation, if his estate paid $66\frac{2}{3}$ per cent, but if his estate goes into liquidation there is nothing to prevent his getting a discharge at whatever his estate will turn out, that is, if he has conducted his business honestly and properly. Hon. gentlemen will remember there was no point put before the committee more strongly by the bankers and boards of trade than that we should fix the amount high, and they gave a reason that was entirely convincing to me—that under the old Act men went into insolvency and forced their creditors to accept a very low composition rather than have the estate melted away in liquidation. It was pointed out to us by the representatives of the boards of trade that if we allowed that amount to be too low the effect of it would be that we would have a great many disreputable compositions. A man would get some creditor to put himself into insolvency, and his creditors when they met would reason this way—the minimum is $33\frac{1}{3}$ per cent, and he offers that per cent; we know the estate is worth a great deal more than that, but it is better for us to accept that amount than to allow the estate to go into liquidation and be eaten up with costs and expenses. It was clearly pointed out to us that if we fixed the amount too low there would be a great many of these disreputable insolvencies and low compositions, and if it was fixed at $66\frac{2}{3}$ per cent as being the amount for which an insolvent can have a settlement with the consent of his creditors, then if the insolvent were at all doing a proper business, he would be able to make that settlement, and if he were not, then the estate would go into liquidation, and it would pay what it could after costs were taken out of it. I made up my mind very clearly in the committee that it was better to fix this amount high in order to prevent these low compositions and this intimidation that insolvents could practise

against their creditors by threatening to go into liquidation. If you fix the amount low in the bill, you will have a great majority of the compositions very near that fixed rate. If you put it at 25 per cent the majority of the compositions will be about 25 per cent. If you make it 33⅓ per cent, the majority will be that, but if you make it high you will get respectable compositions.

Hon. Mr. MILLER—Why not make it 100 cents on the dollar then?

Hon. Mr. FERGUSON (P. E. I.)—My hon. friend used that argument before. I almost thought, when I heard him make that statement, that he was under the impression that no insolvency could be had at all without 66⅔ per cent was paid. My hon. friend will remember that the part of the bill in which this provision is, applies only to insolvents who are obtaining their discharge with the consent of the creditors before any considerable expense is incurred. As the hon. member from Halifax has said, and said very well, I think the creditor who gets one-third of his obligation wiped out fares extremely well, and it does not follow because a man is able to pay 66⅔ per cent that he is able to pay in full. It is a very considerable reduction indeed, and it is a reasonable percentage to pay.

Hon. Mr. McKINDSEY—The hon. gentleman from Prince Edward Island has forgotten that under the present law the insolvent has to be put into insolvency by a receiving order. An inventory of the estate must be taken and handed over to the creditors, and an estimate of what the insolvent is possessed of made before he can apply for a deed of composition. Under the old law there was no such provision as that. The insolvent hawked around his deed of composition and told his creditors that he could not pay more than a certain percentage, and on that representation he obtained his discharge. But under this bill the estate is in the hands of the creditors before he makes his application, and they know what it is worth and no imposition can be practised on them.

Hon. Mr. CLEMOW—So it was under the old Act.

Hon. Mr. McKINDSEY—This is different altogether from the old Act. By placing the percentage too high you will be placing it beyond the creditors of the country to carry out what would be a fair and reasonable composition and discharge.

Hon. Mr. KAULBACH—I quite agree with what my hon. friend from Prince Edward Island and my hon. friend from Halifax have said, and I would not repeat anything they have already stated. In the select committee my mind was made up, from the discussion there, that the higher the composition the better for the creditors generally, and for the trade of the country also. I came to the conclusion that I have not heard anything since then to change my mind. Supposing you make it 50 per cent, under this law a debtor can easily present the position he is in and go into bankruptcy. He gets his discharge and he then has his stock at a low price in competition with the honest trader who is going on with his business and trying to pay 100 cents on the dollar. The lower you make the amount the greater will be the disadvantage to those who are doing a legitimate business and paying their honest debts. There is the trouble. The lower you make it the greater the injury it will have on the honest trader who pays his debts. That is the most important reason—the lower you make it the longer a man will hold on and make representations that his estate is not worth so much, and his creditors, rather than fight it through, will accept almost every offer that is made. If you put 50 per cent you will find nine times out of ten they will accept the offer, and the goods will be sold in competition with the goods of the honest trader. Therefore, I hold that it should be the highest possible amount and 66⅔ per cent is a fair percentage. This law should be to guard and protect the honest trader against the dishonest one. It is only on account of dishonest traders that we require this law. Any trader that knows his business is aware of his position before he feels that he can only pay two-thirds of his debts.

Hon. Sir FRANK SMITH—From the first I have held that the amount named in the bill was altogether too high. I have been in business for over 40 years on my own responsibility, and have seldom seen any estate wound up that would bring more than 50 cents on the dollar—50 cents with all preferential claims, such as rents, clerks' wages

and all those claims that have to be paid first. Then after that, a certain percentage of the estate is taken to wind it up and it is not one estate out of ten that will pay more than 50 cents on the dollar. If it does pay more, there is scarcely any necessity for that estate going into bankruptcy. I have known a man to take stock and show his creditors that he was worth only 80 cents on the dollar and their advice was asked, and they told him to go on, and I have known that estate to come out worth money. Had the creditors advised that man to make an assignment, the estate would not have paid more than 50 cents on the dollar, if that much. I say there is no necessity whatever for a man going into bankruptcy when he has an estate, over and above all expenses, worth 66⅔ cents on the dollar. It has been said here by many hon. gentlemen who perhaps have not been in business, that the rate should be high. No man knows more about that subject than those who have passed through the mill. I have had experience of a great number of failures and I have always tried to get them to settle. Frequently in my time men have come to me and asked my advice. I have advised them to go home and look after their business, and their creditors would help them through, and frequently they have come out all right and have paid 100 per cent on the dollar. I say there is no necessity of keeping it at 66⅔ per cent. It has been said that the banks want it. I have done some banking myself, and I, as one of them, say it is too high altogether, and I told the representative of the bankers here that it was a mistake. I say that it is a mistake now, and that 50 cents on the dollar is a fair amount to place there. Of course, if the creditors are willing a man that does not pay 50 cents on the dollar can get relief, but it is hard to get all the creditors to agree, and it is better to place a moderate sum in the bill than to make it too high. Moreover, supposing a man has an estate and has worked all his life and fails through bad times, fire or some misfortune, you surely do not want to take the last five cents from that man if you do make a settlement with him. If he wants to go on, leave him 5 or 10 cents on the dollar to make a foundation for his business and give him a chance to support his family. That is the course I have always advised when I was in business, and that is the course I would like to see every man now follow. My first advice would be not to go into bankruptcy at all if it is in your power to keep out, unless somebody drives you there. I said 50 cents at the beginning and I would have much pleasure in supporting my honourable friend from Richmond that it be 50 cents on the dollar.

Hon. Mr. DEVER—I have been at as many meeting of creditors as almost any man of my age. I waded through the old Insolvency Act and I never knew a case where the creditors were not disposed to be friendly to the debtor. It is a great libel to assert that creditors, as a general thing, are disposed to be very severe on the debtor. There may be one or two at a meeting, but I have always found that a great majority of the creditors were disposed to be liberal and kind to the debtor. It is a false argument to state that the poor debtor is at the mercy of his creditors and is going to be wiped out of existence and left without anything in the future. I feel that this bill is intended to operate upon two classes of people, apparently one section of the House thinks the bill is intended wholly for the regulation of the unfortunate debtors. It is well to bear in mind that there is such a thing as an unfortunate creditor, a creditor who gives out his goods, possibly gives his note and lends his money without even having the promise of interest, in many cases, for his money. I have known such cases, and very shortly afterwards he is notified to attend a meeting of creditors and he is compelled to take whatever his debtors choose to give him, which may be from 5 to 15 cents on the dollar. In many cases I have known traders, forty or sixty hours after getting all they could from their friends and creditors and neighbours in the way of borrowing, take advantage of the insolvency law. Some of those debtors may owe their creditors from $500 to $6000. I would ask any hon. gentleman, is it not quite enough for the debtor to propose to such a creditor where he owed $6,000 that he give him $2,000 of a discount? That amount off a debt of $6,000 would be quite enough for a creditor to lose. Viewing the bill from this standpoint, I hold it is wiser and better, in fact it is in consonance with the experience of the best business men of the country who took the trouble to meet us at the committeeand give us their opinion in framing this bill, that where a man wanted

to take advantage of the Act himself, not where he has been forced into insolvency, and is prepared to pay 66⅔ cents on the dollar that he should get the benefit of the Act. I do not think any creditor would resist it, and it would be quite enough for any creditor to loose one-third of his claim. We know that it is better for us to have business men in this conntry that are disposed to pay their debts and act honestly and honourably and meet their creditors like men. We should educate a class of men in this country who would look upon business in this light, instead of another class of men that go into business with a full intention of having a good time, getting all the goods they can from everybody, borrowing money and immediately afterwards taking advantage of the bankruptcy law. Then they snap their fingers at their creditors, and very shortly afterwards (I have known it to occur) they start business again and drive their pair of horses and become the biggest men in the community. Not long ago a party asked me to lend him my note for $400. I said I was not in business and did not care to lend a note, but he said "it is all right; you will never see it again." I gave him the note for $400. Shortly afterwards I got a notice to attend a meeting of creditors. I went and found that they were prepared to give 20 cents on the dollar. I said, "that is pretty hard," but they said they could do no better, and if I would sign off they would make it all right. I said, "if I sign off that will be the end of it." They settled for 20 cents on the dollar, and when I went home I expected to get my 20 per cent, but the fact is I never have seen a cent of it from that day to this. Now, are we going to have a law to sanction a transaction like that? I think it is the worst thing we can do for the people of this country, and therefore I shall vote for the bill as it came from the committee, a bill which was framed under the advice of the most experienced men in the country. Their opinion was that this percentage should be made as high as possible, but at the same time it should be left in the hands of the creditors to be fairly liberal.

Hon. Mr. MACDONALD (P.E.I.)—The class of people who have been referred to are not those likely to be affected by the insolvency law. I do not know that we have heard any representatives from the different provinces of the small traders, the persons who will be most affected by this bill, but we have heard at great length from bankers, money-lenders, manufacturers and lawyers in their own interest. I do not agree with the remarks made by the hon. gentleman from Marshfield or the hon. gentleman from Lunenburg with respect to the clause under consideration, that we should confine the amount of composition to 66⅔ cents on the dollar. We know very well that a debtor cannot obtain the benefit of the provisions of the law unless he has traded in a proper and honest way and conducted his business in an economical manner, and even if his estate could pay 66⅔ cents on the dollar, if there was any fraud connected with his business, he could not get the benefit of the Act. We must bear in mind that it is not the debtor himself that is fixing the amount; he hands over the whole of the estate to the receiver and the creditors obtain the amount that the estate realizes. It is in their hands and even if the estate realizes 80 cents on the dollar, the debtor is entitled to his discharge, and it is in their power to say whether he has conducted his business properly and to realize as much as they can from the estate for their own benefit. If they realize only 50 cents on the dollar, that man is entitled to a discharge if he has conducted his business properly. My opinion was in the first place that we should not fix any particular amount, but that it should be left to the court to say whether the man had conducted his business properly and if he had not squandered his property but had lost it by means over which he had no control, that he should be entitled to his discharge whatever amount his estate paid. There was another point with respect to the question, that he should be entitled to his discharge under any circumstances, even if he did not pay the 66⅔ cents or 50 cents on the dollar, if it should be fixed at that, under the clause referred to he would be 12 months without doing anything; he could not apply for a discharge from the time his estate went into insolvency until twelve months elapsed, and during that time he could do nothing to support his family. I consider, under all the circumstances, if we fix the amount at 50 cents, we are putting it at a fair and proper medium between the debtor and creditor.

Hon. Mr. MACINNES (Burlington)—I wish to point out a misapprehension which

has arisen. It has been stated by a number of members that the expenses have to be paid first. A debtor goes to his creditors and says "here is a statement of my affairs. I think I can pay 66⅔ cents on the dollar." If the creditors agree to relieve him of one-third of his liabilities, it appears to me, if he has conducted his business fairly, they leave him a good margin for carrying on his business afterwards. Therefore, I am in favour of leaving it at 66⅔ cents, but it has been lost sight of by a number of speakers that the preferred claims and expenses will not have been incurred at all under a deed of composition and discharge and there will be no preferential claim. He gets his estate back for 66⅔—one-third of his liabilities are thrown off.

Hon. Mr. MILLER—Deducting the preferred claims.

Hon. Mr. MacINNES (Burlington)—They have to be paid of course. They are generally very trifling. It appears to me if you allow a debtor to continue his business and throw off one-third of his indebtedness, you are leaving him a fair margin for carrying on his business.

Hon. Mr. FERGUSON (Welland)—The impression I have gathered through this discussion is that there is too much solicitude for what is known as the debtor. As a rule, the debtor is not that honest man that wants the sole attention and benefit of this bill. The object of this legislation ought to be to protect the honest trader, and the lower you make this composition the more failures there will be, the more goods thrown upon the market to the disadvantage of the competing merchant next door, who will be obliged to go into insolvency in order to buy his goods at the same price as the insolvent. If you reduce this to 33⅓ cents on the dollar, you will have any number of insolvents in this country within a few years. The only way is to keep composition in the first place high. That does not prevent the honest debtor from getting a discharge ultimately. Make his composition high in order to protect the honest trader who lives alongside of him, but if you let B buy his goods at 50 cents on the dollar while A has to pay 100 cents on the dollar, you will force A into insolvency in order to be able to compete with his neighbour. Therefore you must make the rate of composition high in order to protect the honest man, who is generally dealing alongside the dishonest trader. The honest trader, as a rule, does not have to go into insolvency, but can carry through his business. The class of men who fail in the majority of cases are men who spend their evenings in saloons, who spend their days at horse races and in idleness. I do not mean to say that all insolvents are dishonest, but I mean to say that they are careless and indifferent traders. You must not devote the whole of this bill to protecting that class of people. Protect the man who is doing an honest business alongside of him. That should be the object of this House, and in order to do that you must prevent low composition. You must prevent the man buying his goods at 33⅓ cents or 50 cents on the dollar. If not, you will have reckless and dishonest traders all over the land, because they must do that in order to get their goods at the same rate as the dishonest traders who are selling alongside of them. I entirely agree with the opinions of the hon. gentleman from Lunenburg. I have had a good deal of experience and knowledge of such matter, and I have noticed widely what the effect of an insolvency law is. I have known men—and I could name them—not one but a dozen, who made a business of compounding with their creditors, buying their goods at 50 cents on the dollar every three or four years, and then slaughtering them on the market. I have known honest traders alongside who have had to pull up stakes and leave the place. What you want to do is to protect the honest man. The object of this House ought to be—and I am sure it is—to encourage honesty and not dishonesty in trade; therefore you must make the first composition as high as possible. It does not prevent the honest man from getting his discharge. Creditors as a rule are magnanimous; creditors as a rule deal generously and munificently with honest debtors. Even if they do not, one year afterwards, under clause 44, as the hon. gentleman from Halifax pointed out, a debtor can go to the court, and if not opposed, the court will, upon a fair showing of his integrity, give him a discharge. Even if it is opposed, the court, if satisfied that he has been an honest dealer, can give him his discharge; but I say that the first settlement upon the inception of the man's going into insolvency, ought to be kept high, and ultimately he can get his discharge.

Hon. Mr. BOWELL—It does not prevent a man being put into insolvency whether he pays ten cents or seventy-five cents.

Hon. Mr. FERGUSON (Welland)—I am referring to the deed of composition. As a rule the creditors are too fond of entering into a deed of composition, and what is the effect of that if it is done largely? The effect is that if creditors lose 50 cents on the dollar with A they must make it up with B and C, and the country ultimately loses. Make the first composition high. I wish to impress my own view on the House, that the object of this legislation from beginning to end should be to encourage honest trade and punish dishonest trade.

Hon. Mr. BOWELL—I have listened with a great deal of interest to the statements and arguments of the hon. gentleman who has just spoken. I would be led to the conclusion, if his arguments were correct, that this bill was solely for the purpose of compelling a man to pay 66⅔ per cent of all debts before he could be put into insolvency or get a discharge from his debts.

Hon. Mr. FERGUSON (Welland)—Composition I refer to.

Hon. Mr. BOWELL—And if the arguments of my hon. friend from Burlington be correct, the inference to be drawn is that if a man becomes indebted to such an extent that it is impossible for him to pay his debts and he is placed in bankruptcy, and is given one-third of that which he owes, it ought to be sufficient to enable him to go on with his business afterwards. That would imply that this debtor had 100 cents with which to pay his debts, and that his creditors, in the magnanimity of their souls, gave him 33⅓ per cent of what he owed, to allow him to go on and do business.

Hon. Mr. MACINNES (Burlington)—That is what he agrees to do.

Hon. Mr. BOWELL—No, I differ from that statement; he makes no such agreement. The man is put into insolvency and the creditors are permitted under this Act to give him a discharge of all his debts if he can afford, or will secure, the payment of 66⅔ per cent of his indebtedness. Now, if he has 100 cents he ought not to be given anything at all. If he could show that his estate is worth only 66 per cent then he cannot obtain a discharge under this clause, because his estate will not pay 66⅔; hence he is put through the whole bankruptcy law, and if I did not desire not to be personal or apply motives, I would say that the clause as it stands was a clause specially for the benefit of the lawyers, who put the balance of the money into their own pockets. Let us suppose a case; a man becomes indebted to a certain extent, he cannot or he does not pay his debts or bring himself within the meaning of the clause which declares what bankruptcy shall be. He then says to his creditors, "I do not care about my estate being frittered away in courts of law, or in costs which would be incurred in going through the bankruptcy court and obtaining a discharge," whether that discharge be obtained immediately after the examination of his accounts and the distribution of all his assets, or whether it be at the end of twelve months during which time the hon. gentlemen from Prince Edward Island very properly said, he is unable to go on with business, he has no discharge, and therefore his creditors can come upon him or enter an action against him for any goods he might have earned in the meantime. The creditors investigate this whole case—I am speaking of an honest man now, I do not presume to argue in favour of the rogue who goes into bankruptcy prepared to commit jury in order to get rid of his debts, because that occurs and will occur I suppose to the end of time—the creditors investigate the whole case and if the debtor can show that his estate will pay 66 cents on the dollar by his giving up everything, they say we are willing to accept that, but the law will not permit us, we must only obtain what we can get out of your estate by the process of law as provided in this Insolvency Act." That is the position they are in, and then you argue the higher that is put the better for the creditor and the better for the honest debtor. If a discharge under the Act cannot be obtained by the debtor unless he pays that amount, then he must go into bankruptcy or the creditors must allow him to go on with the risk of losing a still larger amount. Now that is the view I take of it. I may be wrong. My hon. friend on my left (Sir Frank Smith) as we all know,

has carried on as large a business as any man in the province of Ontario. There is not a man in the whole province who has had more experience in the official position which he held during the existence of the last Insolvency Act than my hon. friend from Milton, and hence he speaks from a practical knowledge of the law. My own view would be that the provision should not be there at all. I am speaking my own individual opinion; I know that is not in accord with the views of the boards of trade and those who asked for the bill. The hon. member from Welland argued with a great deal of force, and he argues from facts which are presenting themselves to every man in the country who is at all observant, every day, but I should like to ask whether the cases to which he has referred, of dishonest men carrying on business alongside honest men and failing, have not been occurring all the time without a bankruptcy law? Has not the dishonest trader been making compositions with his creditors without a Bankruptcy Act and buying his goods back at 75, 50 and even 30 cents on the dollar, as the case may be, and throwing them upon the market? There is no Insolvency Act to prevent that, and whether an Insolvency Act is upon the Statute-book or not, that kind of dealing will be carried on just so long as there are men who will trust others with their goods. There are plenty of men who go to work deliberately to obtain goods for the purpose of making compositions and swindling their creditors as much as they can. These are men who are brought within the meaning of the clause of this Act and prevented from getting a discharge if dishonesty can be established. We deal with this law with two primary objects in view. The first is — and that is the sole object of the bill in the first place—to protect the creditor against the fraudulent assignments in different provinces where there is no law providing for an equitable distribution of property. If the laws in the different provinces were all the same as they are in Ontario and Quebec I dare say there would be no necessity for this Act; then we might carry out the very simple suggestion made by the hon. member from Milton the other day, that where a man had made an honest settlement with his creditors he could apply to the superior court of the province in which he resided, and obtain a discharge, provided there had been an equitable distribution of his property in the province in which he lived; but as this mode of distributing the estates of insolvents does not exist, it is necessary that there should be some law by which the wholesaler, whether he be in England or in Germany, or whether he be in the western, the central or the eastern section of the provinces, should in all cases have a fair and equitable share of a man's estate when he becomes insolvent. That was forcibly impressed upon my mind when the hon. member from Amherst read one of his letters. He did not tell us by whom it was written, but any one reading between the lines could see that is was from some one who was selling goods in that particular section of the country and was jealous of what might be termed outsiders coming from other parts of the world and selling goods to them by means of his drummers. I agree with my hon. friend on my left on that point, that a good deal of the trouble has arisen from departing from the old system of selling—that is, people going to buy from the merchants instead of the merchants forcing the goods upon the retailers. As long as credit is given, surely there can be no reason why, if a man becomes insolvent, there should not be an equitable distribution of his property among those whom he owes, and that is the sole object of this bill. This clause enables the creditors to meet together and say, "If you can pay us so much we will give you a discharge. There is nothing to prevent the creditors under this Act, any more than there is without an Act, meeting together, and if they find the man is honest, dealing leniently and fairly with him. There is nothing in this law to prevent that, but it does not meet the case of a man who becomes insolvent and one creditor gobbles up the whole estate at the expense of the others. I should judge probably the majority of those who have spoken are in favour of $66\frac{2}{3}$ per cent; some would like to go higher. My hon. friend on my right says that if you adopt that principle you had better say 100 cents at once, and say that the creditor shall not under any circumstances give a man a discharge under this Act; that two-thirds or three-fourths of the creditors shall not have the power to bind the others, but let them go at once into the bankruptcy court, swallow as much of the estate as you possibly can

in law costs and receiver's and auctioneer's and various other fees. To prevent that we should allow the clause to remain precisely as it is the present moment, that is the creditors to meet and give a discharge for thirty or forty or fifty cents as they please. That they can do now. The only difficulty I see in this is that which I have pointed out. The clause prevents creditors from doing that which in their judgment they believe to be in their interest. If the man cannot pay 66⅔ cents but can pay 50, surely it would be better for them to accept that than to put him in bankruptcy and have the balance absorbed in law costs, the creditor getting but 30 cents on the dollar. That is not in the interest of the creditor or the honest debtor, I have no sympathy with the dishonest debtor, but we will have him as long as human nature is what it is. I shall vote for the motion of my hon. friend from Richmond.

Hon. Mr. SCOTT—I think the reason is an obvious one why, in the opinion of a good many gentlemen, the composition ought to be fixed at a sum above 50 cents. It is this, that it is the duty of every trader, if he is falling behind, to at once take stock and consider his position and see whether he can go on with his business. If he cannot go on with his business and pay 100 cents, it is his duty to stop and call a meeting of his creditors, and if Parliament in its wisdom says that a man ought to get a discharge if he can pay 50 cents on the dollar, and he should be satisfied with that, do you not think that human nature will not prompt him to go on until he gets down to 50 cents and then call a meeting, and the creditors have lost one-third of the estate. It is perfectly clear why the principle should be adopted of keeping the figure at a higher level. It must be remembered that the trader is getting a year in which to pay this amount. He continues his business and has a year to pay 66⅔. One hon. gentleman said he could not go on with the business in the interval, but the clause says that the deed of composition and discharge shall be confined to the 66⅔ cents and he has a year from the date on which the composition takes place. One reason why it should be kept high is that it is an intimation to commercial men and the courts of this country that if a man can only pay 50 cents he is entitled to a discharge. He ought to wind up his estate before its gets lower than 66⅔, and I think there is strong reason in that more particularly where he gets a year within which to pay that amount.

Hon. Mr. McKINDSEY—I will withdraw my motion.

The Committee divided on the amendment, which was carried by the following vote: yeas 19, nays 18.

The clause as amended was adopted.

On clause 61,

Hon. Mr. SCOTT—The point in reference to that clause is that the holder of negotiable paper, after he ranks, has to fix the value of the security that he holds. It more particularly applies in the case of a bank where a trader has an endorser and a line of credit with the bank, and the bank discounts the paper. The banks consider that they have the maker for a dollar and the endorser for a dollar, whereas under the law as it now stands, the bank gets less than 100 cents in the dollar, not being allowed to rank for the full amount of the note against both parties. The objection I see to that is this: the contrary proposal, as contained in the clause as it stood originally, is in favour of the banks. I do not look at it from that standpoint. It seems to me that it will embarrass the trader because the banks will say "in the event of the endorser, the person who is negotiating the paper, going into insolvency, the bank feel that they cannot rank on his estate, and the maker's estate for the full amount." The bank therefore say "You must give us another name or you must lodge other security with us, otherwise you cannot discount the paper." I think practically that clause will be found to embarrass the trader more than it will benefit the bank. The committee came to the conclusion to strike out the clause as it stood, which was copied from the old law. In 1877 it was re-enacted and stood until the Act was repealed, but it will be found that it will hit the trader much more than it will hit the bank, because the banks are masters of the situation. The bank must negotiate the customers' paper and it will place the bank in a position to say to the trader "You must transfer a certain amount of your accounts to the bank as security for the line

of discount we are giving you. We are giving you a line of credit and you ought to deposit with us the customers' paper." Presumably when you put a note in a bank the bank has a right against the endorser and the maker for 100 cents on the dollar, and this clause steps in and says "If 50 cents is paid by the endorser, then the bank can only rank for the balance due on the note, and if the maker only pays 50 cents then the bank have only got 75 cents out of it," and then the bank will take this position : "As we cannot be protected for 100 cents on the dollar, the customer must place with us additional security, either a portion of his accounts as standing security, or give us customers paper.

Hon. Mr. CLEMOW—You are arguing in the event of both parties becoming insolvent.

Hon. Mr. SCOTT—Yes ; the bank is not allowed to rank after customer has gone into insolvency and paid 50 cents on the dollar ; the bank would lose the difference.

Hon. Mr. VIDAL—Does not the last line make some provision for that.

Hon. Mr. SCOTT—No.

Hon. Mr. DRUMMOND—I wish you would put your objection in the shape of a motion, because I think it is well-founded. There is no doubt that on a note for $100 with two names you could not get the full amount. A man would have to deposit $125 or $150 in notes in order to get $100. The banks are in a very different position from traders. There has been an impression that a bank should set off one against another, that it may collect 100 cents from each to make up the amount. I think that would be highly improper, but the getting of 100 cents on the dollar is a thing which is in the interests of trade itself.

Hon. Mr. POWER—I do not think the bankers are objects of very serious commiseration at the present time. I have noticed from the reports in newspapers that nearly all the banks of the country have been paying very large dividends at a time when every one else in business finds it hard to make the two ends meet. This matter was discussed fully before the committee by able counsel for both parties. The committee considered it fully and decided by a large majority to report the clause as it stands, and since that time the matter has been discussed again. Every member of the House has been furnished with additional arguments on both sides and it seems to me the last word on the subject spoken on behalf of the Boards of Trade overthrows the arguments set up on behalf of the banks. At any rate, I think we had better take a vote upon it.

Hon. Sir FRANK SMITH—I said before that I differ very much on this clause as regards banks from any hon. gentleman who has spoken. It has been said by the hon. gentleman from Halifax that the banks should not be considered, because they are paying such dividends. Is it not very much better for the wealth of our country to have institutions that can loan money to go on with the enterprises of this country—is it not better to have that money invested in the country than to take it away to another part of the world to earn interest? I look on the banks in this way : they are institutions simply to do business on collateral security. When a note is taken to a bank for discount they do not buy that paper. All they ask is for you to give them collateral security and they lend you a certain sum of money and you endorse that note and you are bound to take it up again.

Hon. Mr. CLEMOW—If you do not fail.

Hon. Sir FRANK SMITH—Of course, but if you do fail the bank should be allowed to rank on the estate for the full amount. That would be no preference, because once they get all they agree to get, then the balance goes to the estate. They have no claim for anything more than they agree to. If you put them in a false position, those banks will not lend a man that money on those notes without collateral security—additional security, which will come out of the estate, and you will be doing harm to the estate instead of benefiting it. I say that the banker is merely there like a broker to take collateral security with the understanding that the person who discounts it will lift that paper. The bank takes the paper to oblige the merchant, the merchant uses the money to carry on his business and it does good to the merchant.

Hon. Mr. McCALLUM—And to the banker too.

Hon. Sir FRANK SMITH—Of course, to the banker too. The banks do not work for love, any more than my hon. friend does. A banker stands in a different position from others. He does not buy the paper, but simply makes an agreement to lend the money, with the understanding that the endorser lifts the paper. All that is done for the benefit of the estate, and why should the banker lose on that? If you put the banks in this false position, it will cripple trade. It will be very much harder for the merchant to get security that will satisfy the banks. They will not lend unless they have good security, and if you do not let them have this advantage, they will lend their money elsewhere. The best thing you could do would be to give the bankers the right to rank in full for the amount of their money.

Hon. Mr. McCALLUM—I do not see why we should favour the banks more than any one else, because, when you sell goods to anybody, the man agrees to pay for them just the same as he agrees to repay to the bank the money advanced on his note. I do not see that the banks of this country have been suffering very much. My hon. friend says it will have the effect of requiring additional security. That is what the wholesale merchants prefer, and I do not think we are here to favour the banks more than any other people. They are the last people in the country that need assistance. When I look at the returns, I do not see that they require aid. They can take care of themselves. They take good care to have the interest before they give you the money, and if you do not pay your note to the day, they are sure to protest it. As long as you are prosperous in business, they will assist you all right, but the moment you get in a tight place, there is no sympathy for you. It is their business; they have no sympathy for anybody, and this Senate should not legislate in favour of the bankers, and against the interest of the people generally.

Hon. Mr. DEVER—The hon. gentleman from Toronto is very anxious to secure the banks, but he voted for an amendment a short time ago to rob the honest creditor of 50 cents on the dollar. Why should we protect the bankers any more than we protect the ordinary creditors? Surely merchandise is as good as the money of the banks. I do not mean to say that the banks should not be paid, but I say the merchants should be sustained also, and no law should be placed on the statute book that encourages the retail merchants to pay 50 cents on the dollar. This is going to give us a bad reputation abroad, and will curtail the business of the country. With such a law on the Statute-book, business men, when they give out their merchandise or advance their money as the case may be, may be forced the next morning by legal process to accept half of what they advanced in settlement of their claims. Such a state of affairs is calculated to do more injury to this country than anything that I know of.

Hon. Mr. KAULBACH—I do not see why any preference should be given to the banks over other creditors. My experience is that banks generally take care of themselves. The trouble in the country is that they generally give too much credit. There is too much money borrowed in an easy way in the banks and they float paper too long by renewals. You generally find if there is a failure the bank comes in and gobbles the biggest part of the estate. They seem always to have a better knowledge of their customers and get a preference without us going out of the way to give it to them. All creditors should be treated alike.

Hon. Mr. BELLEROSE—The 61st section should be restored to its original form as it was in the original bill introduced by the Government (in which it was numbered 62) and for the following reasons. In the first place, legislation in Canada shows that the 61st clause as it stood in the original bill is equitable.

The Act of 1877 was of about the same nature as clause 62 of the original bill, and which I propose to substitute for the present clause 61. In the second place, a creditor under our present law may sue every party to a note for the full amount thereof, simultaneously, only deducting such sums as may have been paid on account. Is it not right and equitable that he should retain the benefit of all his remedies so that he may obtain the whole amount due to him? In the third place, I ask should the rights of any holder at any time be curtailed or rendered uncertain? Would it not greatly injure the negotiability of the note itself since it becomes of less value in his hands?

Who knows when the drawer or endorser may fail, leaving quite uncertain the value of the note and at the moment when the value ought to be preserved. In the fourth place, I find that the law of England is substantially the same in this respect as the clause of the bill as introduced by the Government. I therefore move that clause 61 be struck out and that clause 62 of the original bill be substituted therfor. It is as follows :

61. If a creditor holds a claim based upon a negotiable instrument upon which the insolvent is only indirectly or secondarily liable and which has not matured at the time of proving the claim, such creditor in his proof of claim shall set a value upon the liability of the person primarily liable thereon, and the difference between such value and the amount of the claim shall until the instrument matures be the amount at which the claim shall be calculated for the purpose of voting at meetings and other purposes, except the payment of dividends thereon or collocation in the dividend sheet, but after the maturity of such instrument the claim snall be calculated for all purposes at the full amount, less any sum paid on account thereof by the person primarily liable on such negotiable instrument.

Hon. Mr. POWER—That is practically saying that the claim of a bank on an estate shall be a preferential claim.

The committee divided on the amendment, which was rejected, Contents, 11 ; Non-contents, 19.

Hon. Mr. READ, from the committee, reported the bill with amendments.

Hon. Mr. BOWELL moved that the amendments be concurred in.

Hon. Mr. POWER—Those amendments are vital in their character, and unless it is distinctly understood that every opportunity shall be given to-morrow at the third reading to take the sense of the House on those amendments, I am not disposed to let concurrence take place now.

Hon. Mr. BOWELL—There has been some complaint that this bill has not been sent to the House of Commons sooner, but I do not think any bill has been watched with so much care nor have the members given more consideration or displayed greater assiduity than they have in dealing with this Bill. It can be forwarded to the lower House to-morrow if we concur in the amendments to-day. The hon. gentleman can move his amendments at the third reading to-morrow.

The motion was agreed to.

The Senate adjourned at 6.05 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, 20th June, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## MONTREAL ISLAND BELT LINE RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DICKEY, from the Select Committee on Railways, Telegraph and Harbours, presented Bill (59) "An Act respecting the Montreal Island Belt Line Railway." He said : The three amendments to this bill, as reported by the committee, are of importance and no doubt will be duly considered at a future date when the report is taken into consideration. The first of them occurs in subsection 6 of section 3 of the Act, the compensation clause, which relates to the elevated railway extending through the city of Montreal east and west and also though the adjacent towns of Ste.Cunégonde and St. Henri. The amendment is in the compensation clause for injury done to property in consequence of the running through the city and these two towns of the elevated railway and it is therefore properly added at the end of the clause. The next amendment is made in section 26 of the Act, which applies to the different lines of railway with which this incorporated company may enter into an agreement. Another is added to those that are already named in the section, the Montreal street railway and the Montreal Island and Park Railway Company. The 27th clause is the one which fixes the time for the construction and completion of the railway, and in order to make it, as it is intended, more extensive, in the 4th line of that clause, the 35th line of the page after the word "the" it is proposed to insert "whole of the." The clause reads "but if the railway is not finished and put into operation, etc.," and it is proposed to make it read

"if the whole of the railway is not finished, etc." These amendments are important and I presume will be considered hereafter.

Hon. Mr. BELLEROSE moved that the amendments to be taken into consideration to-morrow.

The motion was agreed to.

## THE INSOLVENCY BILL.

### THIRD READING.

Hon. Mr. BOWELL moved the third reading of Bill (C) "An Act respecting Insolvency."

Hon. Mr. POWER moved in amendment:

That the said bill be not now read the third time, but that it be amended by substituting two-thirds for one-half in the 15th line of the 35th section.

He said: I should not have moved a resolution of that sort at the third reading of the bill if the division in the committee on this same question had been of a decisive character, but hon. gentlemen who were present at the committee yesterday will remember that the provision of the bill as reported by the select committee to which it was referred was altered from two-thirds to one-half by a vote the majority in favour of which was only one, and it is clearly desirable that the sense of the House should be taken when a larger number are present than there were in the committee, so that it will be understood distinctly what the feeling of the Senate is. The opinion of the select committee was decidedly in favour of the provision as originally reported. I do not propose to trouble the House for any length of time, but I wish to state very briefly the arguments which strike me as urging us to make the amendment which I propose. In the first place, it will compel a debtor to place his estate in his creditors' hands as soon as he becomes insolvent. This is a most desirable thing, instead of waiting until his estate is dissipated which will be the case, if you make the limit at one-half. Certain hon. gentlemen have referred to the fact that there is no such provision as this in the previous Insolvent Act. That is just one of the reasons why the previous Insolvent Act became so unpopular. If we do not make this amendment, if we leave the limitation as it is now at 50 cents it is safe to say that in 99 cases out of 100 not more than 50 cents will be paid. Who is benefited by the loss of the $16\frac{2}{3}$ cents? Certainly not the creditors of the insolvent. They lose that much more of their money; and the insolvent himself is not benefited, because he is induced to continue in business until his estate has dwindled down to a lower figure. It does him no good and it injures his creditors. Another collateral benefit which will arise from the adoption of this amendment is that it will tend to prevent the throwing of insolvent stocks upon the market. Every one knows that during the operation of the previous Insolvency Act one of the things which made the law unpopular was that the goods of insolvents were continually being thrown on the market and sold at figures lower than those at which such goods could be sold by the solvent trader. I think we should discourage that, and if we retain the limit fixed by the select committee, there will be very little of that mischief done. That is a third reason in favour of the amendment. The only objection to the amendment which I heard urged, and which struck me as having on the face of it any weight, was that this provision would hinder the unfortunate debtor who had without any dishonesty on his own part got into such a position that he could not pay two-thirds, from getting a discharge. As was pointed out in the course of the discussion yesterday, that is not a correct presentation of the fact, because that unfortunate debtor can get a discharge under clause 43 of the bill after a lapse of twelve months. If he does not find out in good time that his estate is dwindling, having to wait for a year is not too heavy a penalty to pay for his neglect.

Hon. Mr. MILLER—I do not intend to occupy the time of the House in repeating arguments which have already been urged at this stage of the bill. The question which is now under consideration, the amendment to the bill moved by the hon. member from Halifax, I think was so thoroughly discussed in the select committee, and also yesterday when the bill was before the committee of the whole, that it would be almost trying the patience of the House too far to repeat what was said on this side of the House in support of the change that was yesterday made in the bill. I do not agree in anything that the hon.

gentlemen said in opposition to the bill as it stands now and as presented to the House. The assumption that by putting the figure for composition and discharge at anything lower than 66⅔ cents—at 50 cents, for example, as it is in the bill—would result in having any composition and discharge when estates would pay more than 50 cents on the dollar, is an assumption which, I think, hon. gentlemen are not warranted in making. There is no reason for supposing, if you put the figure at one-half, as the 35th clause now stands, that the honest trader, when he finds he is hopelessly insolvent, and is unable to meet his creditors and pay 100 cents on the dollar, will hesitate, no matter what the sum may be, in placing himself in the hands of his creditors and asking for a composition and discharge. If the argument were good in regard to 50 cents, it would be equally good with regard to 100 cents, and it may be urged with some force that the debtor could go into insolvency if he found affairs in an embarrassing condition at the stage when 100 cents on the dollar might be paid instead of 50 cents. The question we have got to consider is whether, under all the circumstances in which the ordinary honest creditor seeks composition and discharge, 50 cents would be a smaller payment than he should be obliged to make. Now it is admitted by business men that a debtor would be perfectly justified in continuing his business while the assets of his estate really showed 66⅔ upon the debts. It is admitted also that the expenses consequent upon the proceedings in insolvency up to this composition and discharge would be considerable, and it is not denied that the loss in values, the shrinkage of assets, and other causes would very likely reduce them 16⅔ per cent, leaving no more than a clear dividend of 50 cents on the dollar. Now that being the opinion of business men of the highest standing in this country, I am fully disposed to follow it, especially as it agrees with my own convictions in the matter. The hon. gentleman seems disposed to leave the impression on the House that those who argued for this figure in connection with composition and discharge winked out of sight the fact that the honest debtor could, under the 43rd section of the Act, get a release from his creditors, no matter what sum he might be able to pay. We did not desire to wink it out of sight. Those circumstances would have no reference to this clause at all, and if I did not allude to it yesterday it was because I considered it unnecessary to do so, and because I know every gentleman in the House understands the distinction as well as I do. The object in placing the figure for composition and discharge at a reasonable sum is this, that creditors may see the wisdom of taking a fair composition instead of casting the estate into all the expenses incident to liquidation when double as much may be lost in expenses, double as much in shrinkage of value, double as much in losses otherwise in connection with a long process of insolvency in the hands of the liquidator. These are reasons which induce me to desire a fair and reasonable amount to be fixed in the 35th clause of the bill, and I consider that one-half of all liabilities as fixed by the clause is a reasonable sum. I am not in love with an Insolvency Act at all, if it could be avoided, and I would not support this measure were it not for the worse than imperfect legislation, the bad legislation of the province to which I belong in regard to preferential assignments. It is only for this reason that I support the bill, for I think until we get uniformity in all of the provinces in reference to that question, that the Dominion requires an Insolvency Act. I support this compromise too, between the original figure in the bill and the figure fixed by the Select Committee, because I fear the larger figure will have the effect of inducing some persons on the third reading, or on a motion for the six months' hoist, to throw out the bill altogether, and jeopardize the whole bill in that event. I think nothing can be added, no information can be given or light thrown upon the subject which has not been given and thrown upon it, and I do not, for my own part, feel disposed to continue the discussion or weary the House with any further remarks.

Hon. Mr. KAULBACH—My hon. friend predicates his remarks entirely upon the position of the honest trader. If we require an insolvency law at all it will be to meet the dishonest trader. The necessity of this bill has arisen from the dishonest trader who makes preferential assignments and disposes of his property so as not to pay his debts. It is to guard against the dishonest trader, because the honest trader gives no trouble at all, and he always gets

his discharge. If he conducts his business properly there will never be a necessity of having his estate dwindle down to 50 cents on the dollar before he gets into insolvency, he will apply earlier than that. There is no necessity under this bill that a man should pay 50 cents on the dollar. There is a provision here that a man who has conducted his business in a proper way can get his discharge by paying a much less rate. We must look at this matter entirely from the point of view of the dishonest trader—the man who fritters away his estate and covers it up in such a way that the creditors cannot get at it, and who thinks that he can pay his debts with 50 cents on the dollar. The result of that is to paralyze the trade of the country. In small transactions in the country a man can cover up his business so that it is difficult to find any fraud in his transactions, and he thinks he can pay his debts with 50 cents on the dollar instead of 100 cents. The result is that bankrupt stock is thrown on the market and ruins the honest trader who pays 100 cents on the dollar for his stock. I know from practical experience of the insolvency law—and I probably have had as much to do with it in my province as anybody—that the consequence of bankrupt stock being thrown on the market is to ruin every man in the trade who is trying to pay 100 cents on the dollar. Therefore, we should guard well against fraudulent debtors. Those are the parties who oblige us to bring this bill before the House and not the honest trader, because if traders were honest there would be no necessity for an insolvency law at all. It is a suggestion to the unscrupulous trader that if he pays 50 cents on the dollar he is all right.

Hon. Mr. FERGUSON (Welland)—Exactly the same argument applies to 50 cents on the dollar as applies to 62⅔ cents. The hon. gentleman from Richmond asks us to fix a reasonable amount and he says that 50 cents on the dollar is recommended by the highest authorities. The highest commercial authorities in this country, the boards of trade and the bankers, say that 66⅔ cents is a reasonable amount. I would not have made this statement if the hon. gentleman had not quoted authority for what he said, and I maintain that the boards of trade in Ontario, and the bankers, say that two-thirds is reasonable. My own opinion is that there ought to be no composition whatever. When a man is unable to pay his debts his goods ought to be put up to public auction and let the honest trader alongside of him have an opportunity of buying them in and continuing his business. But if there is to be a composition, I say it should be kept at 66⅔ cents on the dollar, and I repeat that the highest authorities in this country say that is a reasonable amount.

Hon. Mr. MACINNES (Burlington)—I voted yesterday in favour of the 66⅔ cents being fixed, and my reasons for doing so are these: In old times we had a good many people in business who succeeded in making money out of their creditors instead of out of their customers. I voted for the two-thirds out of consideration for the honest trader who bought his goods and intended to pay for them at 100 cents on the dollar. If the man alongside of him in the same business calls his creditors together under a deed of composition and gets his goods back for 66⅔ on the dollar, he demoralizes the man alongside of him who is struggling to pay his debts. These were my reasons for voting for 66⅔c.

Hon. Mr. CLEMOW—I have always considered, from the beginning of this discussion, that it was in the interest of both debtor and creditor that the rate of composition should be put at 66⅔ cts. Whenever a man knows that he is unable to meet his liabilities, in full, he should let the fact be known to his creditors and get a settlement. It is far easier to get a settlement when his estate will bring 66⅔ cents than when it has dwindled down to 50 cents on the dollar. When a man is aware of the provisions of this Act, he should keep proper accounts and if he finds that he cannot pay 100 cents on the dollar, he ought to make that fact known to his creditors and say to them, "I find that I am behind hand and I ask your commiseration in order that I may get a discharge and follow my business." What is the effect of that? He gets relieved of this loss that is honestly made, and he can continue his business as if nothing had happened. It is in the interest of the debtor that that should take place. You may say the same argument applies to 50 per cent. That is true. Supposing a man's estate is $10,000, the deficiency would be $1,600 at the rate of 66⅔ c., while it would be $2,500 as the bill now stands. It is far easier to make up the deficiency of $1,600 than $2,500.

No man will care to make an assignment or ask indulgence of his creditors until he finds by actual observation that he is unable to comply with the terms of the Act, and therefore it will not be, as it was in the past, when men went down to Montreal to find the current rate of composition, and they generally stuck to that and offered no more and no less. Let men know beforehand that they must keep proper books and have a balance sheet and take stock and do everything to satisfy themselves at any rate that they are able to pay in full, and if they cannot let them ask indulgence of their creditors. Then the composition is accomplished with little expense, business continues and nobody is hurt. He does not interfere with the business community generally—the insolvent prosecutes his business as if nothing had appended. That is in all instances the interest of the creditor as well as of the debtor and a majority of the creditors prefer that to having the old system. I have taken this stand, because I know from personal experience that that was the case in the past men who were in business and kept no books and did not know how they stood until writs were served upon them. Very often they were in a deplorable state of insolvency and did not give satisfaction to anybody, and the result was ruin all round. By taking the course that has been proposed, we are going to serve a good object and the country will be perfectly well satisfied. The same argument applies to any percentage, I admit. My experience teaches me that no one will come to a conclusion that he has become insolvent until the fact is forced upon them. Unfortunately, men are too fond of grasping at straws, trusting to chances in the future and that has been the cause of a great deal of trouble in the past. The sooner a man knows that he cannot meet his liabilities, the better, and if he will state his condition to his creditors, they will give him his discharge with little expense, without disturbing the trade and putting bankrupt stock on the market.

Hon. Mr. MACDONALD (P.E.I.)—The only argument adduced by those who believe in continuing the 66⅔ per cent, that has any weight is that a lower rate will be the means of throwing a quantity of bankrupt stock on the market. If they would just consider for a moment they would find that the fact of placing composition at 66⅔ per cent would have the effect of throwing much more bankrupt stock on the market than if it was placed at a lower rate, so that there is nothing in that argument. The hon. member from Lunenburg considered that this bill should be made in the interests of the dishonest bebtor—that honest debtors do not require it. It has been my experience that a great many honest people get into difficulties as well as dishonest people, and when the honest man gets into difficulty he is disposed to do the very best he can for his creditors. If he can pay 66⅔ or 50 cents on the dollar he is willing to pay it. But you must remember, if this bill becomes law, there will be a very great amount of expense connected with winding up any estate. I have the opinion of a legal gentleman on this matter: he said the expense of winding up an ordinary estate would be about $1,500. Putting it at $1,000 even, that amount taken out of an ordinary estate, would leave very little for the creditors. It must reduce the composition that he could pay to a very small amount. I believe that 50 cents is in the interest of both debtor and creditor. The hon. gentlemen who are opposed to a lower amount, are mainly the representatives of the money lenders. These are the gentlemen who are asking for a higher percentage. If the composition is fixed at 66⅔ cents, it will be no advantage whatever to the poor but honest trader who gets into difficulties. He could make a much better arrangement with his creditors without that at all, and if the amendment of the hon. gentleman from Halifax should be carried, so far as I am concerned, I shall oppose the passage of the bill altogether. In the province from which I come there is no request for such a law, and I presume if there is any desire for it I should have heard of it from the people in trade. I know from people, not only in our own province but in the neighbouring provinces where there are manufacturing establishments, that even there they have not requested legislation of this kind. If we are going to make the provisions of this bill to be of no advantage to the honest debtor who gets into difficulties, I do not see any reason for having such legislation on the statute-books. I shall support the clause as it stands.

Hon. Mr. REESOR—The evil that some hon. gentlemen see in allowing the bill to remain as it now is at 50 cents instead if 66⅔ is greatly exaggerated. Thay say that

goods will be sold at a low rate and speculators buying bankrupt stock at 50 cents on the dollar, will throw it on the market, doing an injury to the honest trader. It must be remembered that in nine cases out of ten the man who fails has a good deal of old stock that is not worth more than 50 cents on the dollar, and sometimes is worth much less than that. I think that that argument is worth very little. To leave it at 50 cents as the bill now stands before us, I think is about the best thing we can do under the circumstances. If it were put back to the other figure, my preference would be to throw out the bill altogether.

The House divided on the amendment, which was lost by the following vote :

CONTENTS :

Hon. Messrs.

| | |
|---|---|
| Allan, | McDonald (C.B.), |
| Boucherville, de | McKay, |
| Clemow, | McMillan, |
| Dever, | MacInnes (Burlington), |
| Dickey, | Montplaisir, |
| Drummond, | Murphy, |
| Ferguson (Niagara), | Pelletier, |
| Ferguson(Queen's,P.E.I.) | Power, |
| Kaulbach, | Prowse, |
| Landry, | Scott, |
| McCallum, | Tassé.—23. |
| McClelan, | |

NON-CONTENTS :

Hon. Messrs.

| | |
|---|---|
| Almon, | Macdonald (Victoria), |
| Angers, | Macdonald (P.E.I.), |
| Armand, | Miller, |
| Bernier, | Perley, |
| Boulton, | Primrose, |
| Bowell, | Read (Quinté), |
| Casgrain, | Reesor, |
| De Blois, | Reid (Cariboo), |
| Glasier, | Robitaille, |
| Kirchhoffer, | Smith (Sir Frank), |
| McInnes (Victoria), | Sutherland, |
| McKindsey, | Vidal, |
| McLaren, | Wark.—26. |

Hon. Mr. POWER—I have an amendment which I venture to propose. I should not have offered it if that amendment had not been lost. The motion is as follows :

That the said bill be not now read a third time, but that it be Resolved, That such legislation should be adopted by this Parliament as to provide for the granting of discharges to insolvents whose assets are equitably divided amongst their creditors or otherwise administered for the general benefit of their creditors in accordance with the laws of the provinces in which such insolvents reside.

The reason I move this amendment is that I think the defeat of the last amendment makes the bill much more objectionable than it would otherwise have been. We have this fact, the boards of trade and the banks who represented the parties who asked for this Insolvency Bill, stated before the Select Committee in unequivocal terms that they were satisfied with the law in existence in the province of Quebec, that they were also satisfied with the law in existence in the province of Ontario, and that their principal reason for asking for the passing of this bill was that in certain of the outlying provinces, there was no such provision as exists in the provinces of Ontario and Quebec for the equitable distribution of the assets of insolvent traders. Since that date my hon. friend from Albert has learned that the government of New Brunswick, will probably be prepared to introduce a measure similar to the Ontario Act at the next sitting of the legislature of New Brunswick. I myself, during the late recess, talked over the matter with the leader of the Government of Nova Scotia, who intimated that in all probability the legislature of that province would also be prepared to deal with the matter next year. I am not undertaking to say that the legislatures of these provinces have not been rather negligent in the performance of their duty heretofore, but we may be pretty well satisfied that when we meet again next year the necessary legislation will have taken place in New Brunswick and Nova Scotia. Now the question is whether, under these circumstances, it is worth while for this parliament to pass this bill which, with the exception of this 35th clause, I think is nearly as good an insolvency bill as we could get through this parliament, but is it worth our while to pass this bill which, with all its good qualities, involves very considerable expense, and which is necessarily somewhat complicated in its provisions, when resort can be had to the comparatively simple legislation of the provinces ? I do not think it is, and the general line indicated by the amendment which I am about moving is the proper one to adopt. I have been very much struck by a short bill introduced in the autumn of 1893 in the House of Representatives at Washington by Mr. Bailey. The position of affairs in the United States with respect to insolvency in something like our own, and I think that the

principle of this bill of Mr. Bailey's is a very good one. It provides as follows:

If any debtor owing $200 or more shall execute an assignment or cession of his property, valid by the laws of the state, territory, or district of Columbia, in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this Act, it shall have the effect hereinafter provided for.

Sec. 2. That such assignment shall be made in accordance with the laws of the state where the debtor resides, and shall convey all of the estate of the debtor except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed. It shall contain a list of the names and residences of all his creditors and the schedule of his property exempt and unexempt from execution, and the amount due to each creditor. It shall also contain a statement of the liens or other encumbrances upon his property, all of which shall be verified by the oath of the debtor to be correct, the property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the state where the debtor resides, subject to the provisions of this Act.

Sec. 3. That such assignment may contain all or any of the following preferences, namely: Debts due the United States or any state in which any of the property of the debtor is situated, or to the servants or labourers of the debtor.

Sec. 4. That any such debtor, after the expiration of four months from the date of the execution of the deed of assignment and the acceptance of the trust by the trustees, may file his petition in the district court of United States for the district in which he resides; or, if he be a resident of the district of Columbia, then in the Supreme court of the said district or if he be a resident of a territory then in the district court of such territory of the district in which he resides, asking for a discharge from said debts. The petitions shall contain a true copy of the deed of assignment, and shall be verified by the oath of the petitioner.

Sec. 5. That the creditors of the debtor shall be made parties defendant.

Hon. Mr. MACDONALD (B.C.)—Is that an Act of Congress?

Hon. Mr. POWER—No, it is not passed but it has been introduced. It is just such an Act as we need.

Upon hearing of the petition if it shall appear that the debtor did make an assignment as authorized by this Act, and that the same contained a full and complete conveyance of all his unexempt property, and that within three months before the passage of this Act no creditor of such debtor had been preferred in any manner except as authorized by this Act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors or to give one creditor an advantage over another or to defraud his creditors, and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill: Provided however, That if, within four months after the levy of an attachment, the debtor shall execute an assignment or cession and file a petition for discharge as herein provided for, the execution of such assignment and the filing of said petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this Act, the court shall order and adjudge that such debtor be for ever discharged from the payment of the debts mentioned and set forth in the petition, and such order and adjudication shall be a full, complete, and final discharge of such debtor from the payment of the said debts: Provided, That no person shall be discharged from any debt or obligation which shall have been created in consequence of a defalcation as a public officer, or as executor, administrator, guardian, or trustee, or while acting in any other judiciary capacity.

Sec. 6. That this Act shall continue in force two years and no longer: Provided, That all actions commenced within that time shall not be affected by its expiration, but the same shall be conducted to a conclusion as if said Act were in full force and effect.

Now, there is a bill which includes only six sections, and it is my humble opinion that if we adopted legislation similar to that it would be preferable to this bill.

Hon. Mr. MILLER—Did it ever become law?

Hon. Mr. POWER—No. There are 155 sections in the bill before the House. A bill something like that, providing that the debtor having made an assignment of his estate for the general benefit of his creditors under the provisions of the provincial law, could apply to a judge and get a discharge under the Dominion law, is really all we want. I may say that my attention was called to this measure by the hon. gentleman from Hopewell who, I presume, has no objection to seconding this motion.

Hon. Mr. DRUMMOND—I do not trouble the House with speeches, but I trust I shall be pardoned on this occasion. I had the honour of voting with the hon. member from Halifax yesterday and to-day. I share his objection to the clause which has just been passed by the House, but I consider it would be an altogether ignominious position for this House to be placed in if it assented to the proposition which he has just placed before us, and throw out the bill on which we have bestowed so much labour. I hold that the objections often made to the functions and duties of the Sen-

ate would be well founded, if at the end of a three months' debate upon a measure originating in our own House, we were to dismiss it as if we were unable or incompetent to pass a measure which would bear examination. It would be confessing ourselves unequal to the task of legislating on our own hook.

The confession which the hon. gentleman has just made, that, with the exception of the clause to which he makes objection and on which we have taken a vote this afternoon, the bill is on the whole, in his opinion, a good one, shows that it is his duty to support it. The hon. gentleman was an active and hard working member of the committee on that bill, and no doubt a large portion of the credit for the work that has been done was due to himself. That we should at the last moment reject the bill, we have done our very best to make a proper and sufficient measure, and confess that we are unable or incompetent to produce any legislation of our own, is to stultify the very existence of this body. The reproach has been addressed to us again and again that we are not fit to originate measures but only to polish them up. Here is a measure which originated in the Senate, and I desire and trust that we will see more work introduced and passed in this House. I trust that only a very small fraction of this body will vote for the motion of the hon. gentleman. There are more clauses than that one to which he objects that I object to also, but my duty is, I apprehend, to accept with all the grace I can the decision of the majority of this House and say that they may be wiser than I am. I must earnestly beseech the House not to carry such a motion, but to pass the bill and let it go before the country and prove to the world that we are capable of originating and completing legislation in this House.

Hon. Mr. KAULBACH—I would prefer not voting for the three months' hoist. I do not think that we should vote in anticipation of what the provinces may do. Had the provinces taken the line which my hon. friend suggests now that they will take, there probably would have been no necessity for this bill. I have always regarded an insolvent law as a necessary evil. It is an innovation on the common law of our country, which requires every man to pay his lawful debts. This sort of legislation gradually evolved from the criminal law, and was mainly directed to apply against dishonest men, fraudulent traders. I was reluctant to take any part on this committee, preferring to reserve to myself the right to support a motion for the three months' hoist if it was not such a bill as I believe would conduce to the general benefit of Canada, but I do not feel disposed now to vote against this bill. Probably no measure has received so much attention in this House as the bill which is before us. The members of that select committee which was appointed, even those who were not in favour of an insolvent law, did their utmost to make this bill as perfect as possible. The hon. gentleman from Halifax was most industrious on that committee, and notwithstanding his objection to an insolvent law, did what he could to make it a perfect measure. I do not believe that this bill can pass this session.

Hon. Mr. McCALLUM—Or next session either.

Hon. Mr. KAULBACH—I do not think the other House would have the time to give the proper attention to this bill. It can go to the country and we will have representations from those interested in the measure as to whether they consider it a good one or not. Then when we come again we will be in a better position to judge whether it is in the interest of the country. Since this bill came before us I have been in harmony with the hon. gentleman from Halifax until now, but I cannot support his motion. We should pass this bill and send it to the other House, and if it does not pass there this year, the country will have time to consider it and we will know next session what public opinion is on the subject. Then, if it is thought that such legislation would not be in the interest of the country, we can reject the measure, or amend it in such a way as will meet the approval of those mainly interested in sustaining honest trading.

Hon. Mr. ALLAN—I have scarcely taken any part in the measure on this bill now before the House. There were so many other gentlemen here who were so much better qualified to express their opinions from their connection with the business affairs and trade of the country, that I thought it would be out of place on my part to take any prominent part in the

debate, but I having been placed on the special committee I endeavoured to do my duty there, attending the meetings of the committee regularly and acting to the best of my judgment on the statements made to us by the gentlemen who appeared before the committee representing the various banking and commercial interests throughout the country. In regard to the motion of the hon. member for Halifax, I thoroughly agree with all that has been said by the hon. gentleman from Montreal as to the miserable position that this House would put itself in if, after having appointed a special committee, composed of some of the leading members of the House to consider the bill, that committee having most carefully and patiently considered the measure, for many weeks, and having brought representative men from all parts of the Dominion to consult with them and have an expression of their views on the bill—if after having done all that we should at the last moment vote to throw the bill out, it seems to me that we would merit the many hard things that have been said from time to time of the Senate. There would be a good deal said and with great justice about the absurdity of one having devoted nearly two months to discussing an important measure of this kind and then at the last moment, because certain enactments in it do not happen to meet the views of all hon. gentlemen, the bill should be rejected and the labour of the greater part of the session should be thrown away. I do earnestly hope that my hon. friend will not persevere in his motion, because it would place the Senate in a very false position.

Hon. Mr. POWER—I ask leave, with consent of the seconder and the House, to withdraw my motion.

The motion was withdrawn.

Hon. Mr. SCOTT—I have a proposition, which I think may possibly meet the views of the majority of this chamber. It would be exceedingly unfortunate if Parliament should intimate to the trade of this country and to all parties affected by this bill, and the courts of this country, that in the judgment of Parliament a composition of 50 cents on the dollar is a reasonable and proper one to be arrived at, because that is practically what we have decided to-day. We intimate to the courts, to creditors and debtors throughout this country that in our judgment 50 cents on the dollar is a reasonable composition. Now that is very much to be regretted because, as we all know from our experience, no two estates, are exactly alike. One trader who offers 75 cents may be shown to be guilty of very great recklessness and entirely responsible for the depreciation of his property, while another who offers 25 cents may be able to show that it was due to causes which he could not control. It would be infinitely better, and I think would meet the views of the hon. gentleman, if we were to leave the amount to be fixed by the parties directly interested—that is, the creditors themselves. If when they meet together and examine into all the circumstances, after hearing a statement of the causes that led to his embarrassment, mutual propositions are made, why should we not leave it to them to decide the amount that shall be accepted by the creditors.

Hon. Mr. McCALLUM—Can they not do that without this bill?

Hon. Mr. SCOTT—No, I think not.

Hon. Mr. McCALLUM—I think the creditors can give them a clearance if they like.

Hon. Mr. SCOTT—Yes, if they all agree, but this bill provides that a certain proportion in number and value may agree upon the composition and discharge. Without that proportion, the proposal cannot be carried out. My suggestion is to leave it to the creditors to fix the amount. You cannot lay down any hard and fast rule as to what would be a just and honest sum. Each case must depend entirely on its merits. Our experience must have told us that. I therefore move:

That the words in the 42nd and 43rd lines of section 35, or at least one-half of the amount of the claims provable against the estate, be struck out and the following words substituted in lieu thereof, in such a proportion or amount of such claim provable against the estate as has been fixed and agreed upon in the said deed of composition and discharge.

Then you leave it entirely for the creditors to say what the debtor ought to pay.

Hon. Mr. DEVER—I am opposed to that proposition. I feel that if such a clause as that were placed in this bill a debtor would

invariably prepare himself for a meeting of his creditors and have himself surrounded by confederates in such a manner that it would be utterly impossible to get any sort of a reasonable settlement. I had some hopes that we were going to have an honest bill that would be a credit to Canada, that we were going to have a bill for the protection of the banking institutions and the merchants of this country, who are at the mercy of men who appeal to them for credit and capital. Instead of that, I find there seems to be a large opinion here in favour of a measure, not for the protection of the bankers or merchants, but for the protection of men who have no standing in the community and whose whole aim is to get as much credit as possible and immediately afterwards settle with their creditors for the least amount they can. Now that is a bad state of affairs to exhibit to the world. We are a new country here and I feel that instead of passing such wild cat laws as this, we should put laws on our statute-books that would give protection to capital and to the merchants who are willing to send their goods to this country. What compliment is it for a trader to pay 100 cents on the dollar? The hon. gentleman from Richmond seemed to think it was a wonderful thing. Who ever expects to get less than 100 cents on the dollar from his debtors? It is no compliment at all to get that amount. It should be an extreme case where you get less than that. How are the men who pay 100 cents on the dollar to get on at all? I cannot conceive for the life of me that men who must have experience in commercial affairs should support such a proposition. Our object should be, if possible, to make this bill in the interest of the merchants and bankers of this country instead of placing it on a par with the Scott Act. That is another law under which a debtor who gets merchandise can snap his fingers at you, and, remember, the goods affected by the Scott Act pay the government 900 per cent duty. The government have no compunction in taking 900 per cent, yet they consent to a law going on the statute-book to rob the merchant so that he has no chance of getting anything for the goods he advances. Such a law as this does no credit to us as a people, and I hope the Senate will reconsider the matter, and if we are going to put a law on the statute-book for the protection of commerce, it will be such a one as hon. gentlemen will take some pride in maintaining. I have done the best I could to assist in making this bill a good one. Several members of the committee have done likewise, and with the information and assistance we received from representative people from different parts of the Dominion, we reported a bill which would have been a good one if it had been passed as reported, but it has been mutilated. I consider we have lost the fruits of four or five weeks of the best work I have seen done in this country in twenty-seven years. I shall not vote for this amendment.

Hon. Mr. McCALLUM—I think that the amendment is wrong. The hon. gentleman should move that the bill be referred back to a committee of the whole to make the amendment.

Hon. Mr. SCOTT—I am following the practice of the House. When the bill was reported from the committee of the whole yesterday, it was agreed that the amendments might be proposed at the third reading of the bill.

The amendment was declared lost on a division.

Hon. Mr. McCALLUM—I said on the second reading of the bill that I was opposed to it, not that I am opposed to an insolvent law altogether, but because the people of this country do not want it. They did not ask for it. Ninety-five per cent of the people of this country do not want such a law. The other 5 per cent want it for what? Do you suppose for a minute that if the people of this country wanted to have such a law as this they would not petition for it? Speaking of this on a former occasion I said who asked for it? My hon. friend from Amherst said "if you had been with me you would have known who asked for it." I knew that the bankers and wholesale traders of this country were looking for it. A great deal has been said here about the poor debtor. Who wants this law—the debtor or the creditor? The creditors of the country want this law in order to further control the retail dealers of the country and enslave them. If they want to carry on business in an honest way, let them keep their drummers at home. Go anywhere in this country now, and you will find commercial travellers at

every railway station and hotel, on every concession line and every cross road, trying to force goods on the people. These drummers work on a commission. The more they sell the more money they make. The wholesale dealers want this law, the speculators and gamblers want it, not the people who earn an honest living, not the people who are producing the wealth of this country. All the honest labourers of the country want is to be let alone. Honest men will pay their debts. While the whole world is passing through a commercial crisis, Canada's credit stands second to none. We are told that the boards of trade of this country want this bill. Who compose the boards of trade? No doubt they are able gentlemen, but some boards of trade have petitioned against this bill, and some for it. Now, how are the boards of trade constituted? Are they people who can speak for the public? In some towns of this country if you pay $1 you are a member of the board of trade, and you can speak with authority for the people. Down at the seaside you pay $25 and then you can speak for the people of this country. If you pass this bill you let a man pay 50 cents on the dollar in settlement of his debts. If you pass this bill a man who owes $250 can be forced into bankruptcy. Three creditors can join together and put a man into bankruptcy. Now, who wants this legislation? The people do not—you are forcing it on them. The hon. gentleman from Montreal said it would be too bad to stop now—that our labour would be lost. In my opinion it is lost labour as far as we have gone. It may do to show the handiwork of the Senate of Canada, but what will be the fate of this bill? Supposing it goes to the House of Commons, do you suppose they will pass it? I know the House of Commons pretty well, and I can say that they would not pass that bill, because if they did, when they came before the people afterwards they would put a club in the people's hands that would knock their brains out. Take the honest dealer who wants to pay 100 cents on the dollar; how can he do it when his neighbours around him buy goods at 50 cents on the dollar, and he has got to pay 100 cents? He is compelled to go out of business. For that reason, the people of this country do not want it. It is offering a premium for rascality and wrong-doing, and the people will not have it. We have two or three petitions from the creditors of this country asking for legislation to enslave the debtors. If the people of the country want anything they have their municipal council and farmers institutes and they can address this House through them. It is truly said that the honest industry of the country is the wealth of the country, and what are you going to do by this bill? Are the people that are asking for this legislation among those who are producing the wealth of this country? No, they are not—they are schemers endeavouring to enrich themselves. For these and other reasons I am opposed to this iniquitous law. A man may have enemies in the country who will put him into bankruptcy. Therefore, I move that this bill be not now read the third time, but that it be read the third time this day six months.

The House divided on the amendment which was lost on the following division:—

CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Boucherville, de | McKay, |
| McCallum, | Power, |
| McClelan, | Primrose, |
| McDonald (C.B.), | Tassé.—9. |
| McInnes (Victoria), | |

NON-CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Allan, | Landry, |
| Almon, | Macdonald (P.E.I.), |
| Angers, | Macdonald (Victoria), |
| Armand, | MacInnes (Burlington), |
| Bellerose, | McKindsey, |
| Bernier, | McMillan, |
| Bowell, | Miller, |
| Casgrain, | Murphy, |
| Clemow, | Pelletier, |
| Cochrane, | Perley, |
| DeBlois, | Read (Quinté), |
| Dever, | Reesor, |
| Drummond, | Reid (Cariboo), |
| Ferguson (Niagara), | Robitaille, |
| Ferguson (Queen's, P.E.I.) | Scott, |
| Guévremont, | Sutherland, |
| Kaulbach, | Vidal, |
| Kirchhoffer, | Wark.—36. |

The motion for the third reading was declared carried on a division.

## THIRD READINGS.

Bill (78) "An Act to incorporate the Métis, Matane and Gaspé Railway Company."—(Mr. Dickey.)

Bill (31) "An Act respecting the Consumers' Cordage Company (Limited)."—(Mr. Allan.)

Bill (38) "An Act respecting the Ontario Loan and Debenture Company."—(Mr. McKindsey.)

## DILLON DIVORCE BILL.

CONSIDERATION OF REPORT OF COMMITTEE POSTPONED.

The Order of the Day having been called,

Consideration of the Fourteenth Report of the Standing Committee on Divorce on Bill (T) intituled: "An Act for the relief of James St. George Dillon," together with the minority Report thereon.

Hon. Mr. CLEMOW said: This matter has been before the House a considerable time, and we might as well dispose of it now. I therefore move the adoption of the report of the majority.

Hon. Mr. KAULBACH—This has been delayed from day to day, and I asked my hon. friend the mover, when the House was meeting whether it would be brought up to-day, and I inferred from what he said that he had no instructions on the matter and that it would not come up. I think my hon. friend might name some day on which this matter would be brought up, and then those who take an interest in it could be present.

Hon. Mr. CLEMOW—The gentleman in charge of the bill told me that if there was time he would like it to go on.

Hon. Mr. KAULBACH—You might make it the first Order of the Day to-morrow.

Hon. Mr. CLEMOW—I have no objections.

Hon. Mr. ALMON—I shall move that the division be taken on it now, if it is in my power. It has been standing long enough.

Hon. Mr. McINNES (B.C.)—This is not a new subject. It has been up for weeks, and the quicker we dispose of it the better, and I do not see why the hon. gentleman asks to postpone it till to-morrow or any other day. We should dispose of it now.

Hon. Mr. POWER—There happens to be a thin House at the present time, and it is just as well that the matter should be disposed of when the House is full. It is quite unprecedented, when a gentleman in charge of a bill consents to a postponement, that other members should insist on proceeding with it. I undertake not to say a word upon it, and I suppose hon. gentlemen who take the same view that I do will do the same thing.

The consideration of the report was postponed until to-morrow.

## NORTH-WEST TERRITORIES REPRESENTATION ACT.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on bill (5), "An Act further to amend the North-west Representation Act."

(In the Committee)

Hon. Mr. ANGERS—I have an amendment to propose, the subject of which I have already referred to on a previous occasion. It is to make the law quite clear that a member of the legislative Assembly of the Territories cannot be a candidate at a Dominion election without resigning his seat in that Legislature. Under the statutes now, by a strict interpretation of the law, he is disqualified from being a candidate, but it has occurred on two occasions notwithstanding that he offered himself as a candidate and his nomination was received by the returning officer. I want to improve the law so that returning officers will be able to read it without referring to one or two sections, as you have now to do, of the Revised Statutes of Canada, and therefore I propose the following amendment:

Section 18 of the said Act is hereby amended by adding thereto the following subsection: "The returning officer shall not receive the nomination paper of any member of the Legislative Assembly of the North-west Territories.

Hon. Mr. POWER—I think that amendment is a desirable and proper one, but I would call the attention of the Minister to the fact that it may perhaps need something further to make it clear. Suppose, for instance, that a member of the North-west Territory Legislative Assembly has resigned, how is the returning officer to know that he has resigned?

Hon. Mr. ANGERS—There is a mode prescribed for a member to withdraw from the Legislative Assembly; he would just have to produce evidence or a cer-

tificate to that effect that he has handed in a proper resignation signed as required by the law of the Legislative Assembly.

Hon. Mr. POWER—You cannot dispose of the subject in that summary way by saying that he shall furnish evidence. I think the evidence should be prescribed, because there have been cases of the kind before. I am not sure but that the hon. gentleman was in the House of Commons at the time—at any rate he had been there shortly before. A case came up from Prince Edward Island about which there was a long discussion, and the whole question was just how the fact that a member had resigned his seat in the Local Legislature was to be established. The returning officer in that case did accept the statement, but there was a great deal of discussion in the House as to whether the resignation had been put in in the proper way, and duly authenticated.

Hon. Mr. ANGERS—Of course difficulties will always arise, but I have followed the practice indicated by chapter 13 respecting the House of Commons, which does not provide what shall be the nature of the evidence. Section 1 says :

No person who, on the day of the nomination at any election of the House of Commons, is a member of any legislative council or any legislative assembly of any province now included, or which is hereafter included, within the Dominion of Canada, shall be eligible as a member of the House of Commons, or shall be capable of being nominated or voted for at such elections, or of being elected or of sitting or voting in the House of Commons, and if any one so declared inelligible, is nevertheless elected and returned as a member of the House of Commons, his election shall be null and avoid.

Now, there is no prescription in the Statute as to the other provinces indicating what evidence shall be given that you are no more a member of a legislative body, but I take it that such evidence can be easily procured by handing in your resignation at the proper time to the proper officer and getting from him a proper acknowledgment of it, because it can only be properly handed in to the Speaker of the Legislative Assembly, the presiding officer, and a receipt under his hand and seal should and would be sufficient evidence to certify to the returning officer that such person is no more a member of the Legislative Assembly of the province. I think that the amendment will meet the case and do away with the difficulty for the future.

Hon. Mr. KAULBACH—Would it be sufficient if there was proof of his having mailed his resignation ?

Hon. Mr. ANGERS—I do not know that that would be sufficient evidence.

Hon. Mr. KAULBACH—There might be delay or some uncertainty of the mail.

Hon. Mr. ANGERS—Let him resign in good time.

The amendment was agreed to.

Hon. Mr. DEVER, from the committee, reported the bill with amendments.

## BILLS INTRODUCED.

Bill (106) "An Act to further amend the law relating to holidays."—(Mr. Bowell.)

Bill (104) "An Act to repeal the Homestead Exemption Act."—(Mr. Angers.)

## REFORMED BAPTIST CHURCH ALLIANCE BILL.

### REPORT FROM THE COMMITTEE.

Hon. Mr. DEVER, from the Committee on Miscellaneous Private Bills, presented Bill (84) "An Act to incorporate the Alliance of the Reformed Baptist Church of Canada and the several churches connected therewith, " with certain amendments.

Hon. Mr. McCLELAN—This bill, which I have been asked to look after, comes from the committee with the amendments which are totally u important ; that is to say, they are not conflicting in any way with the bill, nor introducing any new principle. The principal amendment is an additional section in the lines of the suggestion made by the hon. Minister of Trade and Commerce when the bill had the second reading.

The other amendments are simply altering the time for the first meeting and reducing the number from absolutely being three to two at any time in case of the death of one. The promoters were agreeable to these amendments, and I beg leave to move that the amendments be concurred in to-morrow.

The motion was agreed to.

The Senate adjourned at 5.30 p. m.

## THE SENATE.

*Ottawa, Thursday, 21st June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## DILLON DIVORCE BILL.

THIRD READING.

Hon. Mr. CLEMOW moved the adoption of the Fourteenth Report of the Standing Committee on Divorce on Bill (T) "An Act for the relief of James St. George Dillon." He said: The subject of this resolution has been already before the Senate for a considerable time, and in deference to the opinion of several hon. gentlemen yesterday, I consented to dispose of it to-day. I hope that we have come to a conclusion now to allow the report to be adopted. A great deal of discussion has taken place and I do not know that anything more can be said for or against it. The desire should be to get rid of the question as soon as possible. The petitioner is anxious to secure his divorce. He has been to great expense and is endeavouring to get the bill through this session, if possible. He is unable to bear the expenses of an application another year, and that is the primary reason why I wish to dispose of it at the present time.

Hon. Mr. LANDRY moved:

That the said report of the majority be not concurred in now, but that the same be referred to the Standing Committee on Divorce, with instructions to the said committee to put to the petitioner, James St. George Dillon, of the city of Montreal, merchant, the question mentioned in the report of the minority, to wit, "have you been faithful to your marriage vow, as far as adultery is concerned, up to the time of your instituting proceeding for divorce," and further questions on the subject which may be necessary to get at the truth, and also all further questions which may be pertinent in the premises.

The House divided on the amendment, which was lost on the following division:

CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Angers, | Landry, |
| Armand, | Montplaisir, |
| Bellerose, | Murphy, |
| Bernier, | Pelletier, |
| Boucherville, de | Poirier, |
| Casgrain, | Power, |
| Chaffers, | Robitaille, |
| De Blois, | Ross (Speaker) |
| Desjardins, | Scott, |
| Kaulbach, | Tassé.—20. |

NON-CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Allen, | McKindsey, |
| Boulton, | McLaren, |
| Bowell, | MacInnes (Burlington), |
| Clemow, | Miller, |
| Cochrane, | Prowse, |
| Drummond, | Read (Quinté), |
| Glasier, | Reesor, |
| Kirchhoffer, | Reid (Cariboo), |
| McClelan, | Smith (Sir Frank), |
| McInnes (Victoria), | Sutherland, |
| McKay, | Vidal.—22. |

Hon. Mr. BELLEROSE moved

That the report be not now concurred in, but that it be referred back to the Committee on Divorce with instructions to strike out the second clause of the bill and replace it by the following clause:—

"Nothing in this Act shall be construed as giving in any way power or authority to any of the parties herein mentioned to marry again during the lifetime of one or the other."

Hon. Mr. SCOTT—Has the petitioner agreed to that, or has any one in his behalf agreed to it?

Hon. Mr. BELLEROSE—No. The father told me himself he was ready to give up the second clause. I do not wish to be told to-morrow that I said so and so. What I say is that Mr. Dillon told me, in the presence of Mr. Gemmill, that he was ready to give up the second clause, but I said I would not give it up unless I could add the second clause which I have done, as to adultery.

Hon. Mr. McINNES (B.C.)—Do you mean the petitioner or his father?

Hon. Mr. BELLEROSE—The petitioner is in France; I mean the brother. There is a letter from the lawyer of Mr. Dillon in Montreal, Mr. McGibbon, agreeing to that. I mentioned this because I have been asked.

Hon. Mr. SCOTT—The father did not have any hesitation in stating that he was quite prepared to take the bill on those terms that his son did not wish to marry again, and of course we would not propose to authorize the woman to marry again.

Hon. Mr. PROWSE—The evidence submitted to the Senate is scarcely that which

would be accepted in any court of law, and if we are to pass a bill in the Senate on the evidence we have just had from the hon, gentleman from Ottawa, I think it would be something extraordinary. I do not think a parallel to this discussion can be found in our records anywhere.

Hon. Mr. SCOTT—It is usual to accept the statements made by senators. The statements were made openly and repeatedly, and the petitioner's lawyer was quite aware of it. There was no secret about it.

Hon. Mr. POWER—I may say I have seen the same statements in writing from Mr. Dillon, senior.

Hon. Mr. BOWELL—I scarcely think that ought to be accepted. No one doubts the statement made by the hon. leader of the Opposition and others with whom the petitioner's brother or father had conversation, but it strikes me as a most singular procedure, on the report of a committee on so serious a subject as the one now before us, to be asked to give a vote upon what some persons other than those who are directly interested may have said to some senator, as to their wish or desire either one way or the other. What we have to deal with is the question before the House, and not what Mr. Dillon, the petitioner's father, or brother, may have said in connection with this matter.

Hon. Mr. SCOTT—Is it in the interest of public morality that this Parliament should grant to this woman, who is now living in adultery with a man who has been extradited, the power to marry again? That is practically what we are doing by passing this bill.

Hon. Mr. BOWELL—The whole question resolves itself into what constitutes a question of public morality. The hon. gentleman opposite (Mr. Scott) and my colleague on my right (Mr. Angers) think it is improper and immoral, from their early teaching and early religious convictions. While I respect their convictions, it does not follow that I may think it is a question of public morality or public immorality, in granting a divorce to allow people to marry again. I do not propose to enter into a discussion upon the question which has been brought before the Senate on other occasions, as to the state in which it is said this woman's father is living in Paris, nor have we anything to do with what we have heard about her other parent. That is not a question which would actuate me in the vote I should give, and more than that, we have no positive evidence of the truth of the statement made in reference to either of these parents, except what has been told us by individuals. There was nothing of the kind stated before the committee. If evidence had been given that the father was living in a state of immorality, and that the mother is not what she should have been, had the committee reported that, then we might perhaps be prejudiced against Mr. Dillon on account of his taking the daughter to the father—the best protector, as I supposed until my attention was called to these rumours—that she could have had.

Hon. Mr. SCOTT—The hon. gentleman did not catch the point that I took. It was in reference to Mrs. Dillon, who is now living in adultery. The fact is shown in the report before us. She is living in adultery with a man who has now been extradited to France. What I said was this: that I did not think it was in the interests of public morality that Parliament should declare (because that is the effect of the bill as it stands) that this woman should be permitted to marry again, because we all know that although the bill is silent in reference to the one supposed to be the guilty party, yet the effect in law is to allow that woman to marry again.

Hon. Mr. BOWELL—It may be quite true, but that is not before the House.

Hon. Mr. READ (Quinté)—Is it not better, in the interest of morality, that the woman should marry and lead a correct life than to continue living in adultery?

Hon. Mr. KAULBACH—No, certainly not. I believe it is offering a premium to people to say that, simply because of want of affinity between people, they can apply to Parliament and obtain power to marry again. That provision should not be in any bill. It is an inducement held out to people to get divorced and marry again. My hon. friend, the leader of the House, must know that from the beginning, this case has been prejudiced by remarks made regarding the charac-

ter of the respondent, which were not in evidence. The whole debate here was conducted to show the character of the respondent, and therefore the leader of the House might have refrained from making a remark with reference to what has been stated by another member of the House on the present occasion.

Hon. Mr. KIRCHHOFFER—If there is one thing more than another that shows the necessity of having a divorce court instead of compelling the Senate to deal with these cases, it is the question before us now. We are asked here now to accept the dictum of an ordinary street report, which would never be accepted by any court in which such an action would be brought, and now, to-day, although I do not mean to question the statements that certain hon. gentlemen have made as to the intention of the promoter of this bill, it is a curious thing that all the remarks as to the provision which the promoter is said to be willing to accept here have been made to those opposed to the bill. I do not think that any such statements have been made to any member of the committee; certainly none have been made to me, and I have not heard it from any other member of the committee. It is said now that the lawyer for the petitioner is prepared to accept this bill with the second clause struck out.

Hon. Mr. SCOTT—I did not make that statement.

Hon. Mr. KIRCHHOFFER — It was stated in the House.

Hon. Mr. SCOTT—I think it was said the petitioner's counsel was cognizant that such statements were made. On the contrary, I think he refused.

Hon. Mr. KIRCHHOFFER—No statements have been made, so far as I know, to any member of the committee, or those who have been assisting to carry the bill through the House, to that effect.

Hon. Mr. BELLEROSE—I am surprised that the hon. gentleman did not understand me, but I will try to make it plain. I never mentioned the fact that the hon. gentleman has alluded to.

Hon. Mr. PROWSE—I rise to the point of order. The hon. gentleman cannot speak the second time.

Hon. Mr. BOWELL—He is explaining.

Hon. Mr. MACDONALD (B.C.)—I hope the hon. gentleman who leads the Government in this House, from the small experience he has had in divorce matters in this Senate, will suggest to his colleagues the advisability of having a court of divorce. We have these illogical discussions brought up in this House, and things of this kind done, and whether this divorce carries or not, is a matter of pure chance, and not a matter of justice or right. There is no fair play or justice in it, and this will always continue until a court of divorce is established to try these cases. We have had most disagreeable scenes going on in this House in divorce matters, and they still go on, and to say that we cannot have a court of divorce on account of the religious views of members of Parliament in both Houses, I think is a mistake. I am of the opinion that if the Government express the wish for a court of this kind, it could be established, and it is really very necessary.

Hon. Mr. KAULBACH—I think my hon. friend might take some other time to bring up that matter. It is foreign to the subject before us.

Hon. Mr. McINNES (B.C.)—I cannot see why we should be asked to eliminate the second clause in the bill. If it is omitted the petitioner will be in no better position than he is at the present time. A few months ago he applied to the courts of his native province and got a judicial separation from his wife. Unless it is his intention at some time to get married, I must confess I am at a loss to know why he has applied for this bill of divorce at all, because, as I said before, I understand the court of his native province gave him all the rights and privileges of a separation, and that she is not now recognized by law, either in that province or in any other part of the Dominion, as his wife. He cannot marry again, and if the second clause is eliminated from this bill he cannot marry. It is quite evident to me, therefore, that he must have had some idea of marrying when he had that second clause placed in the bill. I ask, hon. gentlemen, why we should place any restriction on this man other than all other applicants who have applied to this Parliament for relief

under similar circumstances? I cannot understand why an exception should be made in this case. What has been stated by the hon. gentleman from Ottawa is undoubtedly correct, that the father said that such was not his son's intention, but I submit that the father is not in a position to speak for the son. If the son had made any such representation, I do not think that I, for one, would oppose the amendment of the hon. gentleman from De Lanaudière. I would very much prefer to see the bill rejected altogether than to see it mutilated as proposed by this amendment. I certainly shall vote against the amendment, and I think the hon. gentleman from De Lanaudière ought to withdraw it.

Hon. Mr. ALLAN—The Order of the Day is consideration of the 14th report of the Standing Committee on Divorce on Bill (T). As I understand the amendment, it is to strike out a clause of the bill.

Hon. Mr. BELLEROSE—My motion is to refer back the report with instruction to strike out the 2nd clause of the bill, and to substitute for it one in the negative form.

The amendment was declared lost on a division.

Hon. Mr. LANDRY moved that the report be not now concurred in, but that it be concurred in this day six months.

The Senate divided on the motion which was rejected by the following vote:

CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Angers, | Landry, |
| Armand, | Montplaisir, |
| Bellerose, | Murphy, |
| Bernier, | Pelletier, |
| Boucherville, de | Poirier, |
| Casgrain, | Power, |
| Chaffers, | Robitaille, |
| De Blois. | Ross (Speaker), |
| Desjardins, | Scott, |
| Kaulbach, | Tassé.—20. |

NON-CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Allan, | McKay, |
| Boulton, | McKindsey, |
| Bowell, | McLaren, |
| Clemow, | MacInnes (Burlington), |
| Cochrane, | Prowse, |
| Drummond, | Read (Quinté), |
| Ferguson (Queen's, P.E.I) | Reesor, |
| Glasier, | Reid (Cariboo), |
| Kirchhoffer, | Sutherland, |
| McClellan, | Vidal.—21. |
| McInnes (Victoria), | |

The report was adopted on a division.

The bill was then read the third time and passed, on a division.

## THIRD READING.

Bill (101) "An Act to incorporate the Alberta Southern Ry. Co."—(Mr. MacInnes, Burlington.)

## MONTREAL ISLAND RY. CO'S. BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. TASSÉ moved concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbours to Bill (59) "An Act respecting the Montreal Island Belt Line Railway Company."

The motion was agreed to.

Hon. Mr. DRUMMOND moved:

After the word "the," in section 27, line 35, the word "railway" be struck out and the following words inserted: "whole of the undertaking."

Also, that the word "railway," in the same section, in line 39, be struck out, and the word "undertaking" inserted in lieu thereof.

He said: The object of this amendment is to make sure that clause 27, which fixes the dates at which the railway shall be commenced and completed, shall apply to the whole undertaking. It has been accepted practically by the promoters of the bill, and the object is to make the meaning clear.

Hon. Mr. TASSÉ—I accept the amendments.

The motion was agreed to.

## REFORMED BAPTIST CHURCH OF CANADA BILL.

THIRD READING.

Hon. Mr. McCLELAN moved concurrence in the amendments made by the Committee on Private Bills to Bill (84) "An Act to incorporate the Alliance of the Reformed Baptist Church of Canada, and the several churches connected therewith." He said: As I explained yesterday, the amendments do not change any principle of the bill whatever. Some amendments have been

made, which the promoters of the bill accept.

The motion was agreed to and the bill was then read the third time and passed.

## NORTH-WEST TERRITORY REPRESENTATION BILL.

THIRD READING.

Hon. Mr. ANGERS moved concurrence in the amendments made in Committee of the Whole to Bill (5) "An Act further to amend the North-west Representation Act."

The motion was agreed to and the bill was then read the third time and passed.

## HOLIDAYS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. BOWELL moved the second reading of Bill (106) "An Act further to amend the law relating to Holidays." He said: This bill requires very little explanation. It is simply setting apart as Labour day the first Monday of September. This day is set apart as a holiday at the suggestion and upon the petition of the labour organizations of the Dominion. The holiday has been established in other countries, and it is deemed advisable that the same concession should be made in Canada.

Hon. Mr. DESJARDINS—I cannot concur in this. Lately it has been found that so many legal holidays existed that they had to be dispensed with, and now we are getting back to the old grievance and setting apart Labour day, which really we do not want, because Sunday is the day for labourers' rest. Of course it has been asked for, but I do not see the necessity for it.

The motion was agreed to.

Hon. Mr. BOWELL moved that the bill be read at length at the table.

The motion was agreed to, and the bill was read the third time, under a suspension of the rules, and passed.

## HOMESTEAD EXEMPTION REPEAL BILL.

Hon. Mr. ANGERS moved the second reading of Bill (104) "An Act to repeal the Homestead Exemption Act."

Hon. Mr. POWER—This is rather an important change in the law. I simply ask for some explanation in order to inform the House as to the reasons for the bill. We had a great many warm discussions a good many years ago, when Sir David Macpherson was Minister of the Interior, over the provisions of the Homestead Exemption Act, which then became law.

Hon. Mr. ANGERS—The object of this bill is to repeal the Dominion law on the subject, the Assembly of the North-west Territories having passed this Act, which is chapter 45 of the Revised Ordinances of the Territories, exempting certain property from seizure and sale under execution. The Act passed by the North-west Territories differs from the Dominion Act in so far as real estate is concerned. Under the ordinance, the homestead of the defendant is exempted, provided the same be not more than 160 acres; in case it be more, the surplus may be sold, subject to any lien or incumbrance thereon. Previous to that, it was only 80 acres. Now they have increased it to 160 acres, which is the ordinary lot possessed by farmers in the North-west Territories. It does away also with the dower, and reserves to the wife what is called her life estate, and it also provides that the husband cannot dispose of the real estate of the homestead without the consent of the wife. As to the other provisions of the ordinance, it is exactly what the Dominion statute was.

The motion was agreed to and the bill was read the second time.

## A QUESTION OF PRIVILEGE.

Hon. Mr. MILLER—As the Orders of the Day are finished, I desire to do something which is very unusual on my part, to correct an error which has appeared in regard to our division of yesterday on the Insolvency Bill in the Montreal *Gazette* of this morning. I do it, not so much on my own account as on account of an hon. gentleman who is absent, and who, I know, will be very much annoyed when he is deprived of what he considers the honour of having moved the six months' hoist to the Insolvency Bill yesterday, the Hon. Mr. McCallum. The report of the *Gazette* reads as follows:—

Senator Miller then made a final effort to kill the bill by moving a six months' hoist, but he only got eight supporters, and the vote stood nine for the six months' hoist and forty-three against it.

I know that the hon. member from Stromness stayed here in order to move the six months' hoist which he told me he was pledged to some of his constituents to do and which he did in pursuance of that pledge, I know he will be displeased when he receives this report to-day. I may say the *Gazette* is generally correct in its reports of this House, and I am surprised that such an error should occur in its reports.

The Senate adjourned at 5.40 p.m.

---

## THE SENATE.

*Ottawa, Friday, June 22nd, 1894.*

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceeding.

## MONTREAL BELT LINE COMPANY'S BILL.

THIRD READING.

Hon. Mr. TASSÉ moved the third reading of Bill (59) "An Act respecting the Montreal Belt Line Railway," with amendments.

Hon. Mr. POWER—I rise to move the amendment of which I gave notice and I just wish to make the nature of the amendment clear. If hon. gentlemen will look at the Bill and turn to the 2nd sub-clause of clause 3, they will find that it is as follows :—

2. In the city of Montreal, and in order to traverse the said city from the east to the west, the company may lay out, construct and operate an elevated railway,—the route of the said railway on the line of any street or streets, or river front, to be subject to the approval of the city council.

It will be apparent, from the reading of this clause, that it would be in the power of the company to construct an elevated railway through any of the streets in Montreal which were approved of by the City Council, and to run not only passenger trains such as are run on the elevated railway in New York, but freight trains of all kinds, freight trains, for instance, carrying cattle, and I think every one must see that it would be highly objectionable for such trains to run through the centre of a city like Montreal. I do not think there is any other large city in North America where freight trains of all kinds are allowed to go through all parts of the city, and particularly on an elevated railway. One can see that, for instance, cattle trains would be highly objectionable on an elevated railway. The amendment which I propose is that after the word "railway" on the third line, the House shall insert "for the carriage of passenger trains." Now, passenger trains habitually carry light freight; they are not confined to the carriage of passengers, but I may say if it is thought that the amendment could possibly interfere with the carriage of market-garden produce and other things of that sort over the elevated railway, I shall be quite prepared to withdraw my amendment, if the promoters of the bill will submit an amendment, which will guarantee that heavy freight shall not be carried on this elevated railway. I think that, for instance, the clause might be allowed to stand as it is with this addition:

Provided that if the said elevated railway is located elsewhere than on the river front it shall be used only for the transportation of passengers and mails and of market produce and other light freight.

I am not at all wedded to the language of my amendment, but I think the interests of the citizens of Montreal, who in very large numbers petitioned against this measure, should be protected. It might be said that it is a matter which concerns the city of Montreal exclusively, but, hon. gentlemen, I do not think that that can be contended. The Government of this country have this session undertaken to guarantee a loan of, I think, $4,000,000, for the purpose of improving the port of Montreal. It is recognized as the leading city of the Dominion, and I do not think that we should allow anything to be done there which would be calculated to inflict serious injury on the city. As far as I am aware, there is no city in North America where an elevated railway is operated for the purpose of carrying freight through the city. I am quite satisfied that if the proposition were submitted to the citizens of Montreal, that this company or any other company should be allowed to carry freight of all kinds through the city on an elevated railway, they would not consent. In addition to the objections on the ground of cleanliness and on the ground of the obstruction of the streets and the interference with other traffic, it must be borne

in mind that freight trains as a rule do their business largely at night, and the consequence of permitting such traffic would be that people along the line of this railway would have no chance of getting to sleep at all. They would be annoyed by the whistling and puffing of the locomotives all through the night. At any rate, hon. gentlemen, I feel that I am only doing my duty in submitting this amendment which was defeated by a small majority in the committee. I therefore move :

That the said bill be not now read a third time, but that it be amended by inserting after the word "railway," in the third line of the second subsection of section 3, the words "for the carriage of passenger trains."

Hon. Mr. MURPHY—I appeal to hon. members living in large cities, namely, Toronto, Hamilton, St. John, N.B., Quebec, Halifax, etc., and ask would they submit to have an elevated railway pass through their streets carrying freight? Think of the nuisance inseparable from carrying stock overhead, and the inconvenience in the streets, arising from the additional strength required for the superstructure on which the road would be built. It would be a very serious matter. It is not permitted in New York, or any other cities having elevated railways, that I ever heard of. Freight, if at all carried on the line, should be left outside the city limits.

Hon. Mr. KAULBACH—It may appear presumptuous on my part to make comments on this bill, not being a citizen of Montreal. However, I know about as much about the city and islands of Montreal as anybody who is not a resident there. I know the requirements of the island, and it strikes me as a strange thing, that all the northern and eastern parts of it have no means of access to the city of Montreal except the ordinary country roads. The fertility of the island is great and it is strange that the people have laboured so long under the disadvantage of being without railway facilities for disposing of the products of the land, of dairy farms and kitchen gardens. I need not dwell upon that point, it must be obvious to all of us who have looked at the plans. It will be a benefit, not merely to the city of Montreal, but to the whole of the surrounding country. This belt railway, I believe, is to be about 70 miles in length around the island, and it will be a great advantage to the people to have such communication with the city. We know that this bill has passed the legislature of the province of Quebec, that it has had the sanction of the municipal council of the city of Montreal, and has passed the House of Commons here. We know that it is impossible for them to create any nuisance of the character described by the hon. gentleman from Montreal. The municipal council of the city can at once intervene to prevent any nuisance. If this were a city railway altogether and not a belt line with branches crossing navigable waters and railways having Dominion charters, the hon. gentleman's objection might apply, but it is a railway for the benefit of the larger portion of the island of Montreal and therefore the objection which has been raised has very little weight. My hon. friend should withdraw his motion. The people of Montreal themselves are the best judges of their own interests. They have the whole thing under their own control. The railway cannot pass through the city, or in front of the city, without the consent of the municipal council of the city of Montreal. It would be unwise of us to attempt now to amend this bill; any amendment of the character proposed, to make it only a passenger railway, would have the effect of destroying it altogether. The main advantage of it is to give the people of the island of Montreal the benefit of the market of the city of Montreal. It is not likely that there will be any heavy freight trains passing over the road; the line is simply for the benefit of the island and is not like a general railway for carrying the heavy traffic of the country. It is in the interest of the people of the island that they should have it, and as the whole thing is to be under the control of the local authorities, who could prevent any nuisance being created, or even prevent the railway being constructed in any part of the city, the matter rests in their own hands. I hope, therefore, that the motion will be withdrawn, or if not withdrawn, that it will be disposed of in a summary manner.

Hon. Mr. VIDAL—I hope the hon. gentleman will not withdraw his motion. It is a very important and necessary amendment to the bill. With reference to the remarks that have been made by the hon.

member from Lunenburg, does he forget that the only part of the railway to which this restriction would apply is the part going through the city of Montreal—that all the sixty or seventy miles outside of the city can bring the freight to the very limit of the city? The objection is that this traffic should be carried on through the streets of the city and over people's heads, a thing that is not permitted in any city where elevated railways exist. Even if the adoption of the amendment had the effect of destroying the bill, I for one should not regret it. It is a bill which should not pass this House. Very little attention has been paid to the remonstrance sent to this House by the council of the board of trade, a very influential body in the city of Montreal, composed of people who are known to be greatly interested in the city, men who have shown from their business ability their fitness to judge of the propriety of anything of this kind, or of the effect it might have upon their city. That petition was presented and read to the committee, but in my judgment the weight that that petition should have had was not properly appreciated. Was there not in the petition from that council a very plain and direct statement that the whole thing was simply a speculation—that there is no *bona fides* in it? Was not that enough to arouse attention and make it the duty of the committee and of this House to ascertain whether it is a *bona fide* transaction which should receive the sanction of this House?

Hon. Mr. TASSÉ—Has the hon. gentleman any evidence to that effect?

Hon. Mr. VIDAL—The hon. gentleman may remember that in the committee I made mention of that statement, and that I required evidence of the *bona fides* of that company, and asked those present if they were prepared to give us a list of the stockholders showing the amount they had subscribed, to give evidence that any money had been paid in, and it was very plainly stated to the committee, even by those who sought this legislation, that under the charter of the Provincial Legislature they were not able to float bonds and obtain money, that they wanted the sanction of the Dominion parliament in order that that sanction should give them a standing in the British market and by the endorsement of the Dominion Parliament they would be able to negotiate their bonds. Is not that asking us to assume a responsibility, as the protectors of those who invest their money in this country and look to this parliament to guarantee that any corporation procuring a charter here shall be a *bona fide* corporation enjoying our confidence and under our protection and guidance? We should be extremely cautious in a matter of this kind. It will please me very much if any gentleman will move that this bill be not read a third time now but that it be read a third time this day six months. I do not feel that I can make a motion of that kind, not being a resident of the city of Montreal, but I should give it my support if it were introduced. In the provincial charter under which that company exists, there is this provision made, that the directors may issue as paid up stock shares in the company, whether subscribed for or not, and without any payment being made thereon and may allot or hand over such stock as paid up stock for certain purposes, and also for services of employees and contractors of the company. We know what has been done under a clause of this kind before. We have had experience of it in cases brought before this House. Under a clause of that kind, people have shared a large amount of stock among themselves without paying a single dollar upon it. They then have gone into the market and sold their charter and these individuals, after making their two or three hundred thousand dollars out of their shares, have ceased their connection with the company.

Hon. Mr. KAULBACH—That is not an unusual course.

Hon. Mr. VIDAL—I do not know whether it is unusual or not, but it is very improper, and we should do everything in our power to prevent such transactions. British investors are looking to this Parliament, and if we give the imprimatur of the Dominion Parliament to this bill, it gives the company an opportunity of going to the British market, saying that it is a *bona fide* undertaking, one which the Dominion Parliament approves of, and it is like an endorsement of their claim.

Hon. Mr. TASSÉ—Is the hon. gentleman reading from the local statute or the federal statute?

Hon. Mr. VIDAL—I am reading from the statute of Quebec incorporating the company, and the present bill provides that all rights that have been exercised under it are confirmed and guaranteed. The clause in the present bill is :

> Provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the said Acts of the province of Quebec at the time of the passing of this Act,—to all of which rights and privileges the company shall be entitled, and to all of which liabilities the company shall be subject.

What does that accomplish? If these incorporators, not having paid a single dollar on their stock, choose to appropriate to themselves one million or two million dollars of stock, they get their certificate of paid up stock. They do not require even to subscribe for it and then they go into the market and when they sell this charter they make a large sum out of it, without having invested a single dollar. That is not a *bona fide* transaction, and my impression is that it is legislation that this House ought not to sanction, more especially when we have had a protest against the bill, numerously signed, sent here from most responsible parties in Montreal, men whose names no one will question as representing largely its intelligence and wealth, who understand the interests and requirements of the city, and who are deeply interested in its well-being and its having a good character and reputation. I am very glad that my views will go on record if the bill carries. I cordially support the amendment of my hon. friend from Halifax.

Hon. Mr. BOULTON—The last remarks made by the hon. gentleman introduce a new principle into our legislation. A great deal of what he said one might be inclined to agree with so far as the power is granted to pay contracts for construction with the stock, but that is not the question before us at the present time. There was no amendment on that question, as far as I understand when the bill was before the committee. The question at present is whether freights shall be carried on this railway or not. Now the way it presents itself to my mind is this—the city of Montreal has perfect control over that, they have to go to the city of Montreal and ask them whether they may go on such and such a street, or whether they will have to go round by the back of the mountain, or whether they can take the river front. The city of Montreal has perfect control over it, and if they choose to say that they shall not carry freight through the streets or any portion of them, they have the right to do so. It was distinctly mentioned in committee that that was the position in which it stood. We had a telephone bill here last session, and the question arose whether they should put into that bill that the telephone company should put all their wires under ground. The answer made to that was, that the town or municipality in which the bill was to be put into operation had perfect power to dictate terms with regard to that, and this is something very similar. I do not think that we should take that parental position over Montreal or any other city to whom we have delegated powers to control these matters. For that reason I support the bill in its present shape.

Hon. Mr. DESJARDINS—As a citizen of Montreal I am very thankful to the hon. senator who takes so much interest in anything that may relate to the prosperity and well-being of that city, but I cannot fail to mark that the amendment made by my hon. friend from Halifax has for its object, if I understand the words plainly, the defeat of the bill and nothing else. That seems to be the desire of my hon. friend. I do not think the city of Montreal would be thankful to him for that. The hon. member from Victoria has stated that the great objection he had was to the transportation of cattle through the streets in railway trains. It is strange that he has not discovered that we are much more inconvenienced now than we would be if the cattle, instead of being driven through the streets to the great inconvenience of passers-by, should be carried in closed cars. We know very well now that to reach the cattle market the cattle have to be driven through the dense parts of the city every year. Does it not strike every one that it would be better if, instead of being driven that way they were carried by railway? I think this is a good answer to the objection which has been made by my hon. friend from Montreal, who fears that the droppings on the street from the cattle cars may be a nuisance. Well there is more of that when the cattle are driven through the street. Now as regards the hon. member from Sarnia, I think he

has forgotten the main point made by those who represent the Belt Line Railway. It was never mentioned by them that their main object in coming here was to enable the company to go to the London market by them. That has been suggested by those who are accusing them without any proof of trying to secure a speculative charter, The syndicate or company has never mentioned that it was for that object. It was mentioned in fact that they had to come here in order to meet the requirements of the federal statute which says that any line of railway which has to cross other railways under federal jurisdiction must come under federal laws, and it was for that reason and no other, and I am surprised that the hon. member from Sarnia should have attributed to the promoters of the bill anything which was only raised by the enemies of the bill as an objection to it.

Hon. Mr. VIDAL—If my memory serves me that was the argument advanced by the solicitor who was there advocating the bill and distinctly stating it.

Hon. Mr. DESJARDINS—Now as regards the board of trade, of which mention has been made several times, I repeat what I have said, that never at any moment have the board of trade been called to pronounce on the merits or demerits of this question.

Hon. Mr. VIDAL—I was careful to say "the council."

Hon. Mr. DESJARDINS—A few members of the board of trade who do not represent the one thousand members who form the trade and commerce of Montreal, but against that we have the resolution from the Chambre de Commerce composed of 600 members and not a hole and corner meeting, but a meeting called of the members of the Chambre de Commerce, who were called together and pronounced in favour of that railway. Of course, hon. gentlemen, we are not surprised at any opposition which may be directed against public enterprise in Montreal. Some of those members are very like those who opposed another public undertaking, who protested against the action of the late Sir George Etienne Cartier, when his government decided to build the Victoria bridge. We saw them opposing the building of the Victoria bridge on the ground that it would destroy the business of Montreal. Men of another age have been opposing anything that would promote the interests of the city Fortunately for Montreal we have always had public men opposed to those who were against any progress, because they fear their slumbers might be disturbed by night trains, even at the expense of experiencing some difficulty in crossing after a certain number of cattle had passed through the streets.

Hon. Mr. POWER—The hon. gentleman does not live on the line of the proposed railway.

Hon. Mr. DESJARDINS—I have enough interest in Montreal to be willing to hear the cars passing by for the sake of the progress of the city, and I do not object to have my sleep disturbed if the interests of Montreal are dependent on that. My hon. friend from De Salaberry (Mr. Tassé) tells me that at a public meeting in Montreal about this bill only thirteen were found to oppose that bill. It is very well for some millionaires, or supposed representatives of millionaires, to come here and say that it is a mere speculative scheme. I should like if we had millions to carry out those schemes for the benefit of Montreal. We have had one or two who had perhaps some competence when they began, and risked it in the enterprise of building railways ; but we had the sorrow lately to learn of the death of one who had become a millionaire, but who was not a millionaire when he was entering on big enterprises for the benefit of the country by the building of railways. I think it is not paying a just tribute to those who are willing to give anything they possess, their intelligence, their money, even if it is only a few hundred dollars, to give their time and sacrifice everything to promote public interests. I say that we want that railway not for millionaires but for the thousands of people who want to be accommodated by it. The island of Montreal has too long been considered far remote from the city and not as easy of access as other places fifty or sixty miles away which have been served by railway. The farmers of the island of Montreal want to come freely to the market, and if we can secure a line passing from one end of the city to the other, which can serve the different markets, we shall have done very much not only for the population of Montreal but

for the farming community around Montreal. Now that we see that the object of this amendment is admitted by its promoter to be merely to defeat the bill, we should do justice by voting against it.

Hon. Mr. POWER—I did not say, and do not mean, and do not believe that the passing of this amendment would in any sense result in defeating the bill. The promoters of this bill have said that they hardly expect to build this elevated road at all, that they simply intend to use the power to build this road to coerce certain other interests into allowing them to build a surface road. That has been stated to me by gentlemen who are supporting the measure.

Hon. Mr. PELLETIER—Would it not have been better to have stated that in committee?

Hon. Mr. POWER—I rather think it was stated. I am not sure, but one cannot state everything in the committee. There were a good many statements made. Hon. gentlemen will see that this amendment does not at all affect the belt line of railway, it simply refers to the elevated railway through the streets of Montreal. It would not apply to the railway on the river front.

Hon. Mr. CLEMOW—I question very much if the promoters of this bill would undertake the building of a road through the city that would be capable of carrying heavy freight. When the horse railway was first constructed in Ottawa, it was intended that it should be used for carrying freight during certain portions of the day—a couple of hours in the morning and a couple of hours in the evening—and power to do this was incorporated in the charter. But it was found to be impracticable, because of the curves and the heavy superstructure required. The carrying of freight was abandoned, and the line was used only for the transportation of passengers. I think, therefore, that there is no great danger of this Montreal railway company constructing an elevated railway for the carrying of heavy freight. The cost would be so enormous that they could not afford to do so. On the other hand, if the projectors of the road think it would be, and the authorities of the city of Montreal do not object, they ought to have the management of it themselves. You may depend upon it that the extraordinary provisions of the bill respecting indemnity to be paid to the owners of property will prevent anything of the kind. The company will have to buy every inch of property through which their line would pass, not simply for the line of railway, but any property that they might damage, and we know what the damages would be likely to be in a city like Montreal. We know what the Canadian Pacific Railway and the Grand Trunk Railway had to pay for access to Montreal, and the cost would be still greater in the case of this railway. If this road is built it will give the people outside the city of Montreal an opportunity to dispose of their produce in the city. I think an elevated road along the wharfs would be a great advantage to the city. It would not interfere with traffic on the street, and it would benefit all parties concerned.

Hon. Mr. SCOTT—The chief difficulty that I see in supporting the amendment is, that while the hon. gentleman's argument may be very good as far as certain streets of Montreal are concerned, the amendment applies to all streets, and we do not possess sufficient information to be able to designate the streets on which it would be reasonable to run freight cars, and those on which it would not be reasonable. At the present time I presume there are freight trains carrying heavy freight and cattle, running through the city of Montreal, both on the Grand Trunk Railway and Canadian Pacific Railway, and if my memory serves me, I saw some time ago a proposition at the instance of the city of Montreal that the lines of railway, east and west of the city, should be connected in order to avoid the cost and difficulty of transferring freight. This bill has received the sanction of the Local Legislature and has been very carefully examined by the committee in the other chamber. It comes to us now for the third reading, and we should feel a great of hesitation in adopting any amendment of this character without having sufficient information before us on which to form a correct judgment. The city council ought to be the guardians of the interests of the city, and I cannot conceive that the council of Montreal would consent to the use of this line for heavy traffic through the city unless it was felt, after the closest investigation, to be in the public interest.

The Senate divided on the amendment which was rejected by the following vote :

CONTENTS :

Hon. Messrs.

| | |
|---|---|
| Allan, | Murphy, |
| McKay, | Power, |
| Macdonald (P.E.I.) | Vidal.—7. |
| MacInnes (Burlington,) | |

NON-CONTENTS :

Hon. Messrs.

| | |
|---|---|
| Almon, | Kirchhoffer, |
| Angers, | McDonald (C.B.) |
| Armand, | McInnes (Victoria,) |
| Bellerose, | McLaren, |
| Bernier, | Montplaisir, |
| Boucherville, de | Perley, |
| Boulton, | Poirier, |
| Bowell, | Read (Quinté,) |
| Casgrain, | Reesor, |
| Chaffers, | Robitaille, |
| Clemow, | Scott, |
| De Blois, | Smith (Sir Frank,) |
| Dever, | Sutherland, |
| Ferguson (Queen's, P.E.I) | Tassé, |
| Kaulbach, | Wark.—30. |

## HOMESTEAD EXEMPTION REPEAL BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (104) " An Act to repeal the Homestead Exemption Act "

Hon. Mr. DEVER, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

The Senate adjourned at 4.25 p.m.

---

## THE SENATE.

*Ottawa, Monday, 25th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## TRUST CORPORATION OF CANADA BILL.

CONSIDERATION OF COMMONS AMENDMENTS POSTPONED.

Hon. Mr. LOUGHEED moved concurrence in the amendments made by the House of Commons to Bill (D) " An Act to incorporate the Trust Corporation of Canada."

Hon. Mr. POWER—I do not think the hon. gentleman from Calgary can have scrutinized these amendments with the care which he generally bestows upon matters which are under his charge. I have not had time to look over the whole of the changes carefully, but I wish to call the attention of the House to some of these amendments. Some of them are frivolous, some are erroneous, and the rest, perhaps, may be allowed to pass. The first amendment is on page 1, line 16, after the second " the " insert " general." The title will be " The General Trust Corporation of Canada." We thought the title was rather too broad in this House, and that it might be called " The Trust Corporation of Alberta ", but the House of Commons wished to make it more extensive and have made it " The General Trust Corporation of Canada." However, that is a matter for the hon. gentleman from Calgary. If he thinks it is not too extensive it can pass. The next amendment is on page 3, line 6, leave out from " States " to the first " or " in line 7. Now turning to page 3, line 6, I find the change there is this : " the company are authorized to make investment in the stocks, funds and government securities of Canada, or of any province or of the United States of America." The amendment is striking out the word " of America." There are other United States besides the United States adjoining us, and the proper title of the neighbouring country is the United States of America. I think the amendment is clearly a mistake. Then the next amendment is where the company were authorized to invest any funds in Government securities in the United Kingdom of Great Britain and Ireland. The Commons have amended that provision by striking out " of Great Britain and Ireland." That may pass, because everybody knows what the United Kingdom means ; but in line 19 there is a manifest error, and I must ask the hon. gentleman not to have the House concur in it, what is clearly a mistake. Page 3, line 19, leave out " two " and insert " four." It is a part of the subsection in section 5 ; and whoever undertook to amend this bill in the Commons was misled. He mistook paragraphs for subsections. The first part of the clause says, " The corporation shall invest trust moneys as follows,

and may manage, sell and dispose of such investments as the terms of the trust require." Then it goes on (1) upon first mortgages." Then (2) in government securities, and so on. These are all paragraphs of the first subsection, and very properly the next subsection is No. 2. "Nothing in this section shall prevent the corporation," etc. My hon. friend must see that the amendment is clearly a mistake on the part of the Commons. I shall not follow out the subject any further, but I think these amendments should not be agreed to. I suggest to the hon. gentleman that he should go over these amendments carefully. There are others of the same character, and my hon. friend might bring the matter up to-morrow. I inquired of the law clerk of the Commons if these amendments were made at his suggestion and he said they were not.

Hon. Mr. LOUGHEED—I have to thank my hon. friend for directing his attention to this matter; but I felt confident in leaving the matter with the promoter of the bill—the one who would be most concerned in it,—a lawyer of good standing in the city of Toronto, and just before I left my home he informed me that he had gone carefully over the amendments, and was thoroughly satisfied with the bill as it came from the Commons. However, I will accept the suggestion made by my hon. friend and permit the matter to stand until to-morrow, with the consent of the House. A further investigation can be made in the meantime, as to whether these amendments are really errors.

The Order of the Day was discharged and fixed for to-morrow.

## MONTREAL HARBOUR COMMISSIONERS' BILL.

### COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. BOWELL moved concurrence in the amendments made by the House of Commons to Bill (S) "An Act to amend and consolidate the Act relating to the Harbour Commissioners of Montreal." He said: The amendments are not many, but they are somewhat important in their character. In subsection 3 of clause 6 in the 6th and 7th lines the word "high" is struck out and the word "low" substituted therefor; so it will read "the intersection with the low water mark" instead of "high water mark." in paragraph 2 of the same clause the word "other" is struck out and in the 2nd line after the words St. Helen's Island these words are inserted "Nor over any part of Ile Ronde or Mouton," so that the paragraph will read as follows:

> The corporation shall have no right in or jurisdiction over any part of St. Helen's island nor over any part of Ile Ronde or Mouton except such as is specially given it by the Governor in Council.

A subsection is added to clause 21 after the word "amended" at the end of subsection 2:

> All lands not being within the limits of the harbour as defined by this Act but being within the limits of the harbour as defined by the Acts previous to this Act, shall be deemed to have reverted to and to be vested in Her Majesty in right of the Dominion of Canada.

It will be noticed that subsection 2 says "all the lands lying within the limits" and this subsection says "all lands not lying within the limits." In subsection "R" paragraph 12 of clause 26 the following words are struck out after the word "Montreal" in the third line:

> Such by-laws may extend to any matter of procedure, or otherwise, not provided for by this Act; but for which it is found necessary to provide for the proper exercise of such power, and the better attainment of the object of this Act.

After consideration it was thought this was giving altogether too wide a power to the Harbour Commissioners. These are the amendments which have been made by the House of Commons and which I beg leave to move concurrence in.

Hon. Mr. DEBOUCHERVILLE—In winter when the river is frozen over, who has the right to control the river—the municipality or the commissioners?

Hon. Mr. BOWELL—That is a question that has never been suggested to me, but I should think the commissioners.

Hon. Mr. ANGERS—It is under the municipal code of the province of Quebec.

Hon. Mr. BOWELL—That is in the corporation.

Hon. Mr. DESJARDINS—I think it is under the municipality, because there is the road across the river, and it is always an

agreement between the city of Montreal and the municipality of Longueuil.

Hon. Mr. DEBOUCHERVILLE—If they were to come into conflict, the municipal law, which is a local law, would have to give way to the federal law. There are some cases in which the Harbour Commissioners might interfere.

Hon. Mr. BOWELL—I cannot answer that question positively, but I should think in a matter of that kind that the local law would have to give way in the interest of the Dominion. It is simply a utilization of the ice bridge for the time or during its existence, and the river would come under this Act again.

The motion was agreed to.

## SAFETY OF SHIPS BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. BOWELL moved concurrence in amendments made by the House of Commons to Bill (G) "An Act further to amend the Revised Statutes, chapter 77, respecting she safety of ships." He said: The amendment is to sub section "*f*" of the 1st clause, giving an interpretation to the expression "South America." It is carrying out the suggestion made by the hon. member from Lunenburg at the time the bill was under discussion here. It is after the words "French Guiana" in subsection "*f*":

The expression "South America" means any part or place on the main land or islands adjacent to the south-eastern extremity of French Guiana and the Straits of Magellan.

In clause 23, line 17, these words are added after the words landing place "who has reason to expect the arrival of any ships carrying passengers." The way it reads in the original bill makes it imperative on certain owners or occupiers of wharfs to do or perform certain acts, and this leaves it a little less restrictive.

The motion was agreed to.

## MANITOBA AND NORTH-WESTERN RAILWAY CO.'S BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. PERLEY moved concurrence in the amendments made by the House of Commons to Bill (X) "An Act respecting the Manitoba and North-western Railway Company."

The motion was agreed to.

## LANDS IN THE TERRITORIES AMENDMENT AND CONSOLIDATION BILL.

FIRST READING.

Hon. Mr. ANGERS introduced Bill (HH) "An Act to consolidate and amend the Acts respecting land in the Territories."

Hon. Mr. LOUGHEED—Has this bill been printed?

Hon. Mr. ANGERS—No, but it will be printed at once. Copies of the bill have been sent to all the judges in the North-west Territories, and they have made comments upon and suggested amendments to the measure. It is not new to the members of this House. I shall not press the second reading until the bill has been distributed.

Hon. Mr. LOUGHEED—I objected to the second reading at this early stage, because the judges of the North-west Territories did not approve of the first bill introduced in this House. It was afterwards referred to them, and they recommended the passage of a bill materially different in its provisions, but their suggestion was departed from so widely that the bill was not recognized by them. I believe that this bill contains largely the suggestions made by the judges of the Supreme Court of the Territories. I have not had an opportunity, and I very much doubt if the judges in the Territories have had an opportunity, to inspect it since the suggestions of the judges were acted upon, and it is only a desire to see a proper bill passed that I suggest that time be given for the proper examination of the bill.

The motion was agreed to.

The Senate adjourned at 4 p.m.

## THE SENATE.

*Ottawa, Tuesday, June 26th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## A PROPOSED ADJOURNMENT.

MOTION.

Hon. Mr. BOWELL moved that when this House adjourns on Wednesday next, it do stand adjourned until Tuesday, the 3rd July at 8 p.m. He said: Saturday and Sunday are not meeting days, nor is Monday, which is Dominion Day and therefore a holiday. It has been suggested to me that it would be almost useless, considering the small number of bills or the business that there is to do, to meet on Friday, as the notice on the paper calls for. I do not think the adjournment will at all hinder the business, unless we have more bills sent from the Commons. With the understanding that hon. gentlemen are prepared to sit till 12 o'clock if necessary and with the consent of the House, I have changed the motion to extend the adjournment until Tuesday next, at 8 p.m.

The motion was agreed to.

## TRUST CORPORATION OF CANADA INCORPORATION BILL.

MOTION.

The Order of the Day having been called,

Consideration of amendments made by House of Commons to Bill (D) "An Act to incorporate the Trust Corporation of Canada."

Hon. Mr. LOUGHEED said: I move concurrence in the amendments with the exception of the second and fourth amendments. These are clerical errors which have been introduced in the bill in the process of passing through the Commons. I shall afterwards place my reasons in writing and leave them with the Clerk, so as to apprise the Commons of the reasons why we do not concur in these amendments. The second amendment referred to strikes out the words "of America" in the phrase "United States of America" it will be easily seen that this might possibly conflict with other United States, such as the United States of Colombia or the United States of Mexico. Therefore the bill should remain as it passed this House, leaving in its integrity the designation used "United States of America." The fourth amendment made by the Commons appears to have arisen from a misapprehension as to what constituted a subsection to section 5 of the bill. They appear to have construed the enumeration of a certain classification of securities or investments as being subsections to the bill instead of subdivisions of subsection one, and they appear to have accordingly treated the classification by numbers as subsections. This is evidently an error arising from what was, apparently, simply a casual observation of the bill. Therefore I move concurrence in the amendments with the exception of those two.

Hon. Mr. VIDAL—You have to make two distinct motions, a motion to accept some of the amendments and a motion to reject the others.

Hon. Mr. LOUGHEED—With the liberty of the House I put it in that shape, that we concur in all the amendments except the second and the fourth.

Hon. Mr. MILLER—The way would be for the hon. gentleman to move the amendments that he wishes the House to concur in separately, and let the House concur in them, and then to move that the House do not concur in those amendments, and then send a message to the other House with the reason.

Hon. Mr. LOUGHEED—I did not enumerate the amendments owing to the fact that there are over a dozen and I thought to embody those to be concurred in in one resolution, and adding "except two and four."

Hon. Mr. POWER—That is perfectly regular. I do not see any objection to the motion of the hon. gentleman. He moves that the House concur in all the Commons amendments except two and four. Then he goes on and moves the resolution about two and four.

Hon. Mr. MILLER—I thought there were only one or two amendments, and they might be taken separately.

Hon. Mr. LOUGHEED—I find there are twenty. It will be quite manifest that the more intelligent way of doing it will be to concur in all the amendments with the exception of two and four, and reject two and four.

Hon. Mr. MILLER—The proper course would be to make a distinct motion as to what amendments were accepted and then a motion rejecting the others, stating the reasons.

Hon. Mr. DEBOUCHERVILLE—I think the better way would be to refer it to committee, and the committee could accept certain amendments and reject the others. They could report the bill to the House with the proper amendments.

Hon. Mr. POWER—If the course suggested by the hon. gentleman were adopted, we should have the House going into committee and what would the report of the committee be? It would be exactly what the hon. gentleman moves now; the committee would recommend that the House concur in all the amendments except the second and fourth, and then there would have to be a motion that the report of the committee on that be adopted, and then we would have to move again that the second and fourth amendments be not concurred in.

Hon. Mr. BOWELL—I think the difficulty would be got over if the member would put the motion in writing to the House, and then they would know what they would have to deal with. The simplest way to reach it is to move that the House concur in the amendments made to such and such a bill, naming it, with the exception of these other amendments, for certain reasons, stating them, and then that a message be sent to the House of Commons to that effect.

Hon. Mr. MILLER—As we are not very much pushed for time, I may suggest what I would do under similar circumstances. I would move that the House do concur in certain amendments, mentioning them in their order, without reference to the amendments that are not to be concurred in, and then I would make a separate motion as to the other amendments in which the House was asked not to concur, and move that the House do not concur in these, and that a message be sent to the Commons to that effect. Strictly speaking, each of the amendments should be concurred in on separate motion and not in block.

Hon. Mr. LOUGHEED—I move that the Order of the Day be discharged and placed upon the Order paper for to-morrow, and then I shall have the resolution prepared in accordance with the suggestions made. It must be quite evident that had I prepared the motion, it would have been a superfluous task, inasmuch as I would have had to depart from it, owing to the suggestions that have been made.

The Order of the Day was discharged, and placed on the Order paper for to-morrow.

## REFUGE FOR FEMALES IN ONTARIO BILL.

FIRST READING.

Hon. Mr. ANGERS introduced Bill (II) "An Act respecting Houses of Refuge for Females, in Ontario." He said: The bill is similar to the Ontario Act relative to offences against Acts passed by the Legislature of that province. The object is to enact the same legislation in relation to offences committed against the Dominion laws. It provides that the magistrate may withdraw from the common jail any female prisoner confined there and send her for imprisonment to a house of refuge for females, Protestants being sent to Protestant institutions and Catholics to Catholic instutions.

Hon. Mr. KAULBACH—Is that regardless of age or the character of the crime?

Hon. Mr. ANGERS—Regardless of age. It deals with female offenders generally.

The bill was read the first time.

## BILLS INTRODUCED.

Bill (79) "An Act respecting the St. Catharines and Niagara Central Railway Company."—(Mr. McKindsey.)

Bill (121) "An Act to amend and consolidate the Acts respecting the North-west Mounted Police Force."—(Mr. Bowell.)

Bill (99) "An Act respecting the St. Lawrence Insurance Company."—(Mr. Clemow.)

The Senate adjourned at 4 o'clock.

## THE SENATE.

*Ottawa, Wednesday, 27th June, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## SECOND READINGS.

Bill (II) "An Act respecting Houses of Refuge for females in Ontario."—(Mr. Angers.)

Bill (79) "An Act respecting the St. Catharines and Niagara Central Railway Company."—(Mr. McKindsey.)

Bill (99) "An Act respecting the St. Lawrence Insurance Company."—(Mr. Clemow.)

## NORTH-WEST MOUNTED POLICE FORCE BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (121) "An Act to amend and consolidate the Acts respecting the North-west Mounted Police Force." He said: This is not a new bill, although it has been sent up from the House of Commons. The changes are not very great. It is more for the purpose of consolidating the different Acts which are now upon the Statute-book, and to make certain amendments to enable them to manage and govern the force better than they have in the past. It has not been printed and laid before us, but with the consent of the House, I shall move the second reading, and give a short explanation of its provisions. The present Police Act limits the salary of veterinary surgeons to $700 per annum. This rate was fixed when the force numbered only 300 men and horses. There are now about 800 horses, with two veterinary surgeons, but it is impossible to retain the services of competent men at that figure, authority is therefore asked to pay them not exceeding $1,000 per annum.

Authority is asked to pay not exceeding four staff-sergeants $2 per day, the limit under the existing Act being $1.50. It frequently happens that non-commissioned officers are intrusted with onerous or very responsible duties, and it is proposed to provide for an extra allowance, while so employed, of not exceeding 50 cents per day. Eighteen is the minimum age of engagement for service in the force. The authority of Parliament is asked to engage not exceeding twelve boys, between the ages of 14 and 18, as buglers, at 40 cents per day. It is expected that under this authority the duty of buglers, at present performed by constables at 75 cents per day, can be transferred to boys at 40 cents per day, thus promoting economy. Authority is also asked by section 19 of the amended Act to apply any pay which may be due deserters at the time of desertion to what is known as the fine fund of the force. This fund is applicable to the payment of rewards for good conduct or meritorious services. for the establishment of libraries and recreation rooms, &c. The amount forfeited by deserters during the fiscal year 1892-93 was $194.09, and in the past it has been customary to deposit such forfeited pay to the credit of the Receiver-General. The expenditure of this fund is made upon the recommendation of the commissioner of the force. The average expenditure during the past five years has been about $2,000 per annum, as follows:—

| | Per annum. |
|---|---|
| Books, illustrated papers, periodicals and newspapers for the reading of the force, about | $1,000 |
| Cricket and football material, games for recreation rooms and billiard tables, pianos, &c., about | 500 |
| An annual allowance to each of the 10 divisions of the force towards the expenses of their Christmas festivities | 500 |
| Rewards for meritorious service, &c., about | 25 |
| | $2,025 |

All fines are deposited in the Dominion Savings Bank. The amount now at the credit of the fund is $5,724.85. The fund has been allowed to accumulate with the object of establishing a library for the whole force, with headquarters at Regina, and a system of exchange between there and the several divisional headquarters. It is proposed to have cases constructed which will contain between 50 and 100 volumes, and which, by removing the doors, can be used as book shelves. The amendments to the bill are of the character I have indicated, with this addition: it gives certain powers to the officers and to non-commissioned officers, when their services are required in the suppression of riots or the arrest of criminals. One important amendment to the bill also is to define pre-

cisely what the duty of the police is. Among other things it is to be understood that they are not to perform ordinary city and town police duty, and they are Dominion in character. In the past the police have been used in a very great extent in the place of local police officers in the different towns and villages that have grown up in the North-west. In order to define that point clearly, so that there will be no misunderstanding upon it, this bill makes provision that their duties are to be general rather than of a local character. These are the most most important amendments; there are a few amendments that are verbal in their character, and which, I think, if adopted will tend in a great measure to make the force more effective and place it upon a sounder basis, by which it can be controlled and managed better in the future than it has been in the past.

Hon. Mr. LOUGHEED—I should like to ask two questions in connection with this bill, with a view to having an answer to them when the bill comes before committee. In the first place, is it the intention of the Government to fix the salary of veterinary surgeons arbitrarily at $1,000 a year, or to give power to graduate the salaries of veterinary surgeons according to the merits of their services between $750 and $1,000? And in the second place, have any representations been made to the Government as to the desirability of having a graduated scale of salaries for inspectors? I might say that under the present statutory provisions regarding the North-west Mounted Police, the salary of an inspector is arbitrarily fixed at $1,000; so that outside men who are appointed, for instance, graduates of any military school or those who may receive their appointments through political channels, receive $1,000 and are placed in quite as good a position as inspectors who may have served in the force for 10 or 15 years and who have not yet received promotion. It has been represented by those who are competent to judge of the system, that it would be very much more desirable that new inspectors should be appointed at a lesser salary than is now paid and that the salary should be increased from time to time as their services would warrant. It should appeal, I think, to the reason of every hon. gentleman present that an inspector being appointed to-day from the outside, not having any knowledge of the duties appertaining to such an office, cannot be as efficient an officer as one who may have spent 10 or 20 years in the service of the North-west Mounted Police, and it is unfair to the men at present serving, who have spent long periods of service in the performance of arduous duties, that they should be placed in no better position than those who have just received their appointments.

Hon. Mr. BOWELL—To the first question, I might say there is no arbitrary sum to be paid to the veterinary surgeon; this fixes the maximum. There is nothing to prevent their employing them at $400 if they think proper, but it gives power to the Government, or the head of the department, to pay a veterinary surgeon as high as $1,000, but no higher. As to the other point raised in question asked by the hon. gentleman, I do not think there is any provision made for what you might term graduated salaries for either long or short service. It will be seen when the bill is printed and in the hands of members, that the 14th clause provides what the salaries shall be. The commissioner is to have $2,600; the assistant-commissioner, $1,600; each superintendent, per annum, $1,400; the inspectors, per annum, $1,000 each; surgeon or assistant-surgeon, per annum, $1,400; the veterinary surgeon, as high as $1,000; the staff surgeon, $2 per day; other surgeons, $1.50; the non-commissioners, $1; constables, 75 cents; buglers, 40 cents, and the working pay to artizans, 50 cents a day. There is no graduated scale in the bill.

Hon. Mr. LOUGHEED—Except as to veterinary surgeons.

Hon. Mr. BOWELL—Except as to veterinary surgeons, that portion of the bill is not changed in any way.

Hon. Mr. LOUGHEED—And I ask an extension of that principle to the officers.

Hon. Mr. BOWELL—The question asked by the hon. gentleman was as to whether it was arbitrary. I say no, that is the maximum sum. There is an increase to the staff surgeon: those are the only changes. Whether the principle suggested by my hon. friend, that there should be a graduated scale for inspectors who occupy a similar

position to that of majors in the army, is a question which I think could scarcely be considered favourably by any one connected with the force. There is no such graduated scale of pay to lieutenants, captains, majors, colonels, or generals in the army, and the payment to these officers is based upon the Queen's Regulations as to payment. The man who occupies the position of commissioner should be in the position, as my hon. friend knows, of the commander of the force, and he gets a higher salary; the other occupy positions analogous to captains, majors and officers. I will bring the suggestion under the notice of the head of the department, but I do not promise him acquiescence in the suggestion made, because it would be subversive to all military discipline and contrary altogether to the regulations which govern forces of this kind.

The motion was agreed to, and the bill was read the second time.

## TRUST CORPORATION OF CANADA BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. LOUGHEED moved that the House concur in the amendments made by the House of Commons to Bill (D) "An Act to incorporate the Trust Corporation of Canada," from 1 to 20, excepting 2 and 4.

Hon. Mr. MILLER—The regular way would have been to move these amendments one by one. This resolution may answer the purpose at the present time, because no one may take exception to any of the various amendments included in this motion, but should any member object to any of the amendments, he would have to move against the whole of them, or move an amendment to the motion, whereas if the hon. gentleman had put his various amendments one by one, as is done in the House of Commons always, each one of them could be dealt with separately. The truth is, we have got into a way of doing business here that does not enable us to give proper consideration to these amendments. The hon. gentleman will find it difficult to furnish a precedent in any work of authority for moving concurrence in amendments, as he has done. The one class of amendments should be accepted without any exception, and then non-concurrence should be moved to two amendments which are objected to, without any reference to the others, with a message to the other House stating our reasons therefor.

Hon. Mr. LOUGHEED—I must have misunderstood my hon. friend from Richmond. I laboured under the impression that what he wanted was that I should mention the number of amendments made by the House of Commons, which I have accordingly done. I should say that a statute would be as strictly drawn as it is desirable that any motion should be drawn, and in framing a statute where several clauses are to be mentioned, you do not enumerate each clause separately, but say from such a clause to such a clause. Surely the motion that I have submitted answers all statutory requirements.

Hon. Mr. MILLER—There is no analogy between the two cases. It would be as regular, when a bill comes before a Committee of this House, to move the adoption of the clauses *en bloc* as to move concurrence in the amendments as the hon. gentleman proposes to do. It is a habit that we have fallen into in this House which is not justified by any authority; it is done for convenience, and no exception has been taken to it. What I suggested yesterday was to make a motion specifically mentioning the amendments which the hon. gentleman desires us to accept, and then another motion specifically mentioning the amendments which he desires should not receive the concurrence of the House. However, strictly speaking, the proper way would be to take up these amendments one by one and put them to the House and have them concurred or not concurred in, and in that way disposed of.

Hon. Mr. LOUGHEED—I have no doubt, strictly speaking, my hon. friend is correct. The object is to save language in writing out a motion, although we are profuse in speaking it.

The motion was agreed to.

Hon. Mr. LOUGHEED moved:

Resolved, That this House do not concur in amendments numbers two and four to Bill (D) "An Act to incorporate the Trust Corporation of Canada," on the following grounds:—

That the second amendment purports to change the name "United States of America" to "United

States," thus creating uncertainty in the bill as to the meaning of the name thus adopted, there being other "United States" than the "United States of America."

That the fourth amendment appears to have been made in error, inasmuch as there are only two subsections to section 5. The bracket numbers (1) (2) (3) are not numbers of subsections to section 5, but are only subdivisions of subsection one.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (124) "An Act further to amend the Cullers' Act."—(Mr. Angers.)

Bill (129) "An Act further to amend the Revised Statute respecting Interest."—(Mr. Bowell.)

Bill (34) "An Act to make further provision respecting grants of land to members of the Militia Force on active service in the North-west."—(Mr. Bowell.)

Bill (127) An Act further to amend the Consolidated Revenue and Audit Act."—(Mr. Bowell.)

Bill (137) "An Act further to amend the Steamboat Inspection Act."—(Mr. Bowell.)

Bill (71) "An Act to incorporate the New York, New England and Canada Company."—(Mr. Power.)

Bill (97) "An Act respecting the Seigniory of Sault St. Louis."—(Mr. Angers.)

Bill (72) "An Act to consolidate and amend certain Acts relating to the Ottawa and Gatineau Valley Railway Company, and to change the name of the Company to the Ottawa and Gatineau Railway Company."—(Mr. Clemow.)

Bill (130) "An Act further to amend the Act respecting Certificates to Masters and Mates of Ships."—(Mr. Bowell.)

The Senate adjourned at 4 p.m.

---

## THE SENATE.

*Ottawa, Tuesday, 3rd July, 1894.*

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

## THE LATE PRESIDENT OF FRANCE.

The SPEAKER announced to the Senate that he had received a telegram inviting the members of the Senate to attend the funeral of the late President Carnot. He said: I had to answer that the Senate being adjourned, I could not put myself in communication with the members, and that I regretted very much that I was not able personally to leave the Capital and attend the funeral.

Hon. Mr. BOWELL—I might add, for the information of hon. gentlemen, that a similar invitation was sent to the Cabinet, and the Premier replied that, owing to the pressure of business, it was utterly impossible for them to leave the Capital but that they expressed their deep sympathy with the French Administration in the loss of their President.

## GREAT NORTH-WEST CENTRAL RAILWAY COMPANY.

INQUIRY.

Hon. Mr. PERLEY inquired,—

Whether the Government know if it is the intention of the Great North-west Central Railway Company to undertake the further construction of their road during the present summer, and if so, how many miles? And also, whether the company are in a position, and whether they intend to operate the road this season, and if they do not further construct the road, will the land grant lapse?

He said: I do not wish to make any remarks respecting the matter now, because the answer might materially affect the remarks which I would make, and therefore I wait for the answer.

Hon. Mr. BOWELL—I made inquiry of the department and find that they have no knowledge as to whether this company intends to proceed during the present session with the further construction of this road, and the question as to whether the land grant will lapse is now before the Department of Justice for their opinion.

## SECOND READINGS.

Bill (124) "An Act further to amend the Cullers' Act."—(Mr. Angers.)

Bill (HH) "An Act to consolidate and amend the Act respecting land in the Territories."—(Mr. Angers.)

## INTEREST ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (129) "An Act further to amend the Revised Statutes respecting In-

terest." He said: The object of this bill is simply to set at rest differences of opinion that exist as to the law in the province of British Columbia. Some judgments have been given in that province by which the rate of interest in one case might be only 4 per cent and in others higher rates, and in order to set the question at rest, it was thought better to introduce this bill making all judgments draw the one rate of interest the same as in the other provinces of the Dominion.

Hon. Mr. KAULBACH—The hon. gentleman is not quite correct as to the rate of interest in Nova Scotia. It is 6 per cent unless there is a writing establishing a different rate. If the judgment is by confession, it may be any rate of interest that you wish. It is only when judgments are not by confession but by the order of the court that the rate is fixed by statute.

Hon. Mr. SCOTT—While this Parliament has the legal right to fix the rate of interest it seems to me that we have no power to make the provision contained in this bill. I do not see how we can interfere with the procedure of the provinces. They have their own statutes and very often it is a matter entirely for the court or the judge to decide whether interest shall be allowed or not. Very often it is left to the jury. In this bill we are asked to peremptorily declare that in the province of British Columbia interest shall run absolutely after the rendering of the verdict. It seems to me we are disturbing the rule which exists in the provinces and that the legislation would therefore be *ultra vires*.

Hon. Mr. BOWELL—If this were an interference with the rules of the court or anything affecting the court other than the fixing of the rate of interest, the hon. gentleman would be right in his contention. I speak of course with all due deference, being a layman, and speaking to a lawyer, but the British North America Act gives full power to this Parliament to legislate upon questions of interest, and no local legislature has any such authority or power given it under the statute. So long as we confine the bill, as this does, simply to declaring what rate of interest shall be calculated upon judgments, we are not exceeding the powers of Parliament.

Hon. Mr. ANGERS—I do not think it is interfering with the rights of the provinces. The only object of the bill is to fix the rate of interest when interest is due. Of course, if a contract stipulates that a certain rate of interest shall be paid, whenever there is a judgment that rate of interest cannot be changed. The parties have made the law for themselves, and if they have stipulated that the interest shall be at a certain rate, it must be that rate, but whenever it is an obligation which only bears interest after it has accrued, the legal interest is 6 per cent, and it is for this Parliament to determine that rate.

Hon. Mr. DEVER—In my province—New Brunswick—when a debt is due, the law fixes 6 per cent as the rate, but any other rate can be fixed by a written contract. Therefore this bill would not interfere with my province further than this—at present the Dominion statute regulates the rate of interest where there is not a contract made fixing a different rate.

Hon. Mr. POWER—It appears to me these questions of detail can be better dealt with in committee than here.

The motion was agreed to, and the bill was read the second time.

## A REPRESENTATIVE FROM VICTORIA.

Hon. Mr. BOWELL—I should like to call the attention of the Senate to the fact that Sir Henry Wrixon, a member of the Victoria Government, is in the Chamber, and I should esteem it a pleasure if he be invited to take a seat on the floor of the House.

Sir Henry Wrixon was then introduced to the Speaker by Mr. Bowell, and took a seat near the Throne.

## LAND GRANTS TO MEMBERS OF MILITIA FORCE IN NORTH-WEST BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (54) "An Act to make further provision respecting grants of land to members of the Militia Force on active service in the North-west." He said: This

is simply providing for extending until 1896 the period during which scrip for lands can be issued to those who served in the late troubles in the North-west. It has been found that some of them, from inadvertency or some other cause, have failed to take advantage of the provisions of this law, and some cases have been brought under the notice of the Minister of the Interior which induce him to ask Parliament to extend the time until January, 1896.

Hon. Mr. LOUGHEED—May I suggest to the leader of the House that before this bill goes into Committee of the Whole, information should be given to the House as to the disposition of various applications made by parties in the North-west for scrip in pursuance of the Act relating to scrip. I am fully aware that a great number of applications are on file which are not yet dealt with—at least so I am informed by the applicants, and for several sessions I have made a similar request for information on this point, and I should like if the hon. leader of the House would bring down information to show what applications have not been dealt with. I know there were a number of corps organized during the rebellion, and the matter still appears to have been pending as to whether those corps shall be recognized as entitled to scrip. It would be desirable that this matter should be finally disposed of at this session if possible.

Hon. Mr. BOWELL—Do I understand the hon. gentleman to require the number of names of the applicants for scrip or for land under the scrip?

Hon. Mr. LOUGHEED—No; those who have applied for scrip as considering themselves entitled to scrip in pursuance of the statute in that behalf, but whose rights have not yet been recognized to the issue of scrip.

Hon. Mr. BOWELL—Yes; I will endeavour to get that.

Hon. Mr. POWER—I think before the bill is passed by this House that the Minister should give an undertaking that this is the last time he will ask the House to pass such a bill. We have passed such bills six times, I think, and the Government might endeavour to get the unpleasantness wound up before the lapse of ten years from the time of the occurrence.

Hon. Mr. BOWELL—The suggestion is a good one, but I think it is never too late to do what is right, and if there has been an error on the part of those who have applied we should not take advantage of it.

Hon. Mr. LOUGHEED—I should not want my hon. friend to think that I am taking objection to the extension of this legislation. It is very desirable that it should be extended as long as it is necessary.

The motion was agreed to, and the bill was read t ıe second time.

## CONSOLIDATED REVENUE AND AUDIT ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (127) "An Act to amend the Consolidated Revenue and Audit Act." He said: There is a clause to be added to the present Audit Act, and it is in the interests of the officials of the country against whom actions may have been brought. It provides a limitation of time in which actions against revenue officers can be brought, and provides for a notice to the defendant; and also where there is a defence, tender of payment into court may be made. It provides also, in case of a verdict, for the recovery of costs, &c., as well as in cases of seizure. The last clause is for the protection of officers against vexatious actions.

Hon. Mr. SCOTT—What is the present limitation? One year?

Hon. Mr. BOWELL—In the Customs Act it is one month. This is a new clause to be added to the Consolidated Revenue and Audit Act.

The motion was agreed to and the bill was read the second time.

## STEAMBOAT INSPECTION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (137) "An Act further to amend the Steamboat Inspection Act." He said: This is the bill we passed last year,

but owing to the early prorogation of Parliament it did not pass the lower House and the hon. Minister of Marine and Fisheries introduced it this year in the Commons.

Hon. Mr. KAULBACH—Have not some of the clauses been passed in the previous Act this session?

Hon. Mr. BOWELL—Yes, slight amendments which will be explained.

The motion was agreed to and the bill read the second time.

## SEIGNIORY OF SAULT ST. LOUIS BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (97) "An Act respecting the seigniory of Sault St. Louis." He said: The object of this bill is to authorize those charged with the management of the Indian lands and properties to accept a rebate in the settlement of claims against the holders of property in that seigniory. They have been in litigation for many years without any beneficial result for the Indians who are interested as incumbents of this land, and an agreement has been made that they should pay promptly if rebate was granted. It is thought advisable to accept this, and accordingly we come to Parliament to be authorized to do so.

The motion was agreed to and the bill was read the second time.

## OTTAWA AND GATINEAU VALLEY RAILWAY CO.'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (72) "An Act to consolidate and amend certain Acts relating to the Ottawa and Gatineau Valley Railway Company, and to change the name of the Company to the Ottawa and Gatineau Railway Company." He said: This is a bill to consolidate and amend certain Acts passed some years ago relating to this railway. I may say that this road has been of great advantage to the country: it has developed a large trade and extensive business is now being prosecuted successfully. I believe in the future it will be the high road to James Bay. It is reported now that anthracite coal in large quantities has been found at James Bay, and if such is the case, it will enable the coal to be brought to Canada by a shorter route than the Pennsylvania route which will enure to the benefit of the Dominion. I believe also that a great many people have taken advantage of this route as a summer resort, for which it is admirably situated, possessing as it does all the elements required to render it attractive to the pleasure seekers, and before long it will be studded with habitations by those parties who formerly resorted to the sea shore. A company is now being formed for the exploration of the territory north of this city andif it is found, as suggested by Professor Bell of the Geological Survey, tocontain coal, it will be of immense value to Canada. which will make the route second only to the Canadian Pacific Railway in general commercial importance. Power is also asked to construct a bridge over the Ottawa river in the event of the Pontiac Pacific Railway Company not proceeding with the work. I hope the Government will also subsidize the road and also assist in the construction of a bridge between the two provinces. I hope the Government will subsidize this work, and that they will also, in conjunction with Ontario and Quebec, supplement the liberal bonus of $150,000 granted by the city of Ottawa towards the construction of the interprovincial bridge to connect the great provinces of Ontario and Quebec.

The motion was agreed to and the bill was read the second time.

## CERTIFICATES TO MASTERS AND MATES OF SHIPS AMENDMENT BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (130) "An Act further to amend the Act respecting Certificates to Masters and Mates of Ships."

He said: The principal object of this bill is to give the same rights to British sailors who are not Canadians, and who have not served in Canadian ships for three years, as are given to foreigners. Under the present Act a sailor who has served three years in the merchant service is entitled to his certificate on passing the examination, but a

British sailor is not entitled to the same privilege unless he has served three years in a Canadian vessel.

Hon. Mr. KAULBACH—Is it to extend the limits for coasting vessels?

Hon. Mr. BOWELL—No, the coasting trade is governed altogether by another Act, and the coasting trade is not given to foreigners unless they have given the same rights and privileges to Canada. The provision of the law as it stands upon the Statute-book to-day is that we have power by Order in Council to grant the privilege of coasting to any country which extends it to us.

The motion was agreed to and the bill was read the second time.

## A REPRESENTATIVE FROM VICTORIA.

Hon. Mr. BOWELL.—I call the attention of the Senate to the fact that the Hon. Mr. Fitzgerald, from Melbourne, Victoria, is in the Chamber and I trust the same courtesy which we extended to Sir Henry Wrixon will be accorded him.

The Hon. Nicholas Fitzgerald was then introduced to the Speaker, and took a seat by the Throne.

## BILLS INTRODUCED.

Bill (131) "An Act to incorporate the Nova Scotia Steel Company, Limited."—(Mr. McKay.)

Bill (117) "An Act respecting the units of electrical measure."—(Mr. Bowell.)

The Senate adjourned at 9 o'clock p.m.

---

## THE SENATE.

*Ottawa, Wednesday, July 4th, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE MUSQUODOBOIT VALLEY RAILWAY.

### INQUIRY.

Hon. Mr. POWER rose to

Inquire of the Government, whether or not they propose to ask Parliament to aid, by subsidy or otherwise the construction of the line of railway in the province of Nova Scotia, commonly known as the Musquodoboit Valley Railway?

He said: Perhaps before saying anything further I had better briefly explain to the House what the proposed railway is. It is a line which would start from the waters of Halifax Harbour, or from Windsor Junction, which is a point about thirteen miles from Halifax, and run eastwardly through the county of Halifax on the southern side of the height of land which constitutes what may be called the back-bone of the province, and the road would be from fifty to sixty miles long. If the views as to help to provincial railways which prevailed in Parliament up to the year 1882 were still in the ascendant, I should expect a negative answer to the question which I propose to ask the Government, but a new policy was introduced in the session of 1882; an Act was passed that year giving subsidies to a number of railways which did not extend beyond the provinces in which they originated. Up to that time it had been held that the Dominion Parliament was not supposed to assist any railway which was purely provincial in its character. It had to be shown, up to that time, that the railway connected two provinces together or passed through two or more provinces in order to enable the promoters to receive subsidies from the Dominion Parliament. By the Act to which I have referred, that policy was changed, and a new policy adopted of helping from the Dominion treasury, by way of subsidies and otherwise, railways which were purely provincial and local in their character; and that policy has been continuously followed since that time. Nearly every session we pass bills intended to provide subsidies for local railways. It is now only necessary to show that the railway is calculated to benefit a considerable population, and sometimes even that requisite has not been insisted upon, and also that it cannot be constructed without help from the Dominion Parliament. If one looks at the railway map of the province of Nova Scotia, he will see that while railway facilities have been afforded to the centre of the province—that is to the region running north from Halifax city to the boundary of New Brunswick, and also to the region lying along the Basin of Minas and the Bay of Fundy and Chignecto basin—these are all to the west of the centre of the

province—he will also see that railway facilities have been extended to the Gulf Shore or that part of the province which is bounded by the Strait of Northumberland and the Strait of Canso, and also to the Island of Cape Breton. Including the railways to which subsidies have been recently given and which are now under course of construction, the island of Cape Breton will in a very short time, be fully supplied with railways. Practically all the country north of the height of land is now supplied or in the course of being supplied with railway facilities, but south of the height of land the condition is altogether different. There is hardly a mile of railway constructed in all this region between the Bay of Fundy at the one end—the Bay of Fundy shore of Shelburne county and the eastern shore of Guysborough county which is bounded by the Strait of Canso. The population which inhabits the country extending from the Bay of Fundy to the Strait of Canso are almost altogether without the blessings of railway communication. It is true that the Nova Scotia Central Railway extends from the town of Lunenburg north to Middleton, in the county of Annapolis, and gives railway communication of a certain kind to a portion of the fine county of Lunenburg. That railway, while no doubt it is a great blessing to Lunenburg, does not give the county the railway facilities which it ought to have. The line runs across the county instead of through its length. The Intercolonial Railway also runs north from Halifax and gives to the city of Halifax communication with the continental railway system, but the great bulk of Halifax county and of Lunenburg county and the whole of Shelburne county, Queen's county, and practically the whole of Guysboro' county are to-day without railway facilities. I am rejoiced to know that as a result of a subsidy granted by this Parliament some years since and renewed last session in an amended form, a railway is now in course of construction from the town of Shelburne eastwardly to the Nova Scotia Central Railway. If the contractor who has the work in hand completes that road to the Nova Scotia Central, I have no doubt that before very long it will be extended from the Nova Scotia Central through Lunenburg and Halifax counties to Windsor Junction, or Halifax city, and when the road is completed, as I hope it will be before long, the Intercolonial Railway will practically extend to Shelburne town and give all the western portion of the Atlantic shore of the province direct communication with the railway system of North America, and then the Dominion Parliament will have done pretty nearly all for western Nova Scotia that that part of the country has a right to expect. Now as to the eastern portion of the Atlantic slope of Nova Scotia, it will have no railway facilities unless a road is constructed either from Halifax Harbour or from Windsor Junction to Upper Musquodoboit. That is the road to which my question refers. About the claim of the people of eastern Halifax and of the St. Mary's district of Guysboro' county to railway facilities, I think there can be no doubt. In East Halifax there is a population of 20,000 and in St. Mary's, district of Guysboro', a population of something over 5,000 ; and ever since the union of the colonies—and of course for a long time before that—the people of this region have been paying their share of the customs and other taxes ; and at the present time if it were not for the small steamer which makes weekly trips eastward and calls at one place in East Halifax and one place in St. Mary's district, those people would have no better communication with the outside world than they had 50 years ago. Now, while that is true of this region, which is comparatively near the centre and capital of the province, Sydney, in the eastern part of Cape Breton, and Yarmouth at the western extremity of the province, are, for the purposes of passenger traffic, very much better off and nearer to Halifax city than the eastern part of Halifax county. As to freight traffic, there is no comparison whatever ; all the advantages are on the side of the remote eastern and western points, while the disadvantages are with the nearer region. This condition of things is clearly unfair to the travelling public and to the producers of eastern Halifax and western Guysboro'. These districts have great resources in the way of agricultural products, timber, minerals and fish, but their development is hindered by the want of means of access to markets where their produce can be sold to the best advantage, and where the supplies which they need can be most advantageously procured. I beg to call the attention of the House to one very melancholy consequence of this condition of things. The farmers of the Musquodoboit Valley, who are some of the most intelligent, enterprising and indus-

trious people in the lower provinces, have been for years deserting that beautiful and fertile country and carrying their enterprise and energy and intelligence away out of the provinces, chiefly, I regret to say, to the western states; and the population of this country, which has been very much blessed by nature, has not appreciably increased during the past 20 years. Hon. gentlemen, I do not think that this condition of things should be allowed to continue. The farmers and other residents of Eastern Halifax and Western Guysboro' should be furnished with such means of communication as will enable them to transport and dispose of their products to advantage. The construction of the Musquodoboit Valley Railway would bring the farming population within a very few hours' ride of the capital. It would give them ready access to market and would enable any point on the coast of East Halifax or St. Mary's District to be reached by a traveller on the day on which he left the city. In addition to serving the rural districts, this railway would give Halifax and Dartmouth the back country from the want of which they both suffer at the present time. I may mention casually here that there has not been a mile of railway built in the county of which Halifax is the capital since the year 1864. That cannot be said of any other large city of the Dominion and I may be allowed to remark, by way of parenthesis, that the Intercolonial Railway, for which Halifax is very often called upon to be grateful, is really, in a business sense, of greater advantage to Montreal, Toronto and other business centres in Ontario and Quebec, than it is to the city of Halifax. The freights on that road are very moderate, and the through rates are lower than the local rates. The consequence is that the business men of the upper provinces are enabled to put down their goods in the province of Nova Scotia just as cheaply, or even at lower rates of freight than are those of the city of Halifax and other towns in Nova Scotia. I believe it is a matter of fact that hay can be brought from other provinces to Halifax and other places in Nova Scotia, where hay is largely used, at lower rates than it can be brought from their own farming and grazing districts. I have presented the facts in favour of a subsidy in a rather imperfect way. I turn now to the prospect of getting the road constructed in case the Government decide to give a subsidy for this undertaking. Under a general Act which was passed by the Legislature of Nova Scotia in 1886, the Provincial Government would be obliged to give a subsidy of $3,200 a mile to any company which satisfied the Local Government of its ability to construct the railway in question, and there is hardly any doubt that a grant of a like subsidy of $3,200 a mile, by this Parliament, would secure the construction of the road whose claims I am now advocating. The line has been surveyed, and it is apparent from the reports of the engineers that the work of building would be neither difficult nor expensive. The length of the line would be between 50 and 60 miles. If we assume the higher figure to be correct, then this Parliament at the utmost would be called upon to aid this undertaking to the extent of $192,000. Now I do not think, hon. gentlemen, that this is too large a sum. Nobody can reasonably say that that contribution to this work would be too great to secure its construction. I do not care to trouble the House by citing precedents for such grants. There are scores of them to be found in the report of the Minister of Railway and Canals for the past year. I find from that report that altogether there had been paid out of the Dominion Treasury up to the 31st December last by way of subsidies to railways $10,871,573. By railways here I mean local railways. That does not include the subsidies given to the Canadian Pacific Railway and other roads of that character. I may mention three or four of the roads to which subsidies have been granted. There is a road in the province of Quebec known as the Baie des Chaleurs Railway. To that subsidies have been granted to an amount something less than $600,000. There is a road known as the Montreal and Western road, running out of Montreal, which has already received subsidies to the amount of $348,000. Then there is in the province of Nova Scotia the Nova Scotia Central Railway, which has received subsidies to the amount of $240,000. The road now in course of construction from Shelburne to the Nova Scotia Central is to receive subsidies to the amount of $240,000. The Ottawa and Gatineau Valley Railway, of whose claims and prospects the hon. gentleman from Rideau division spoke so eloquently yesterday, had received, up to the date mentioned, subsidies to the amount of

$284,000. At page 207 of the appendices to the Railway report will be found a long list of railways which have received help from the Dominion treasury. Several of them are much smaller and much more local in their character than the Musquodoboit Valley Railway. Hon. gentlemen know that any subsidy granted in aid of this line would not be paid to the railway company unless for work actually done, and the benefit conferred on that section of the country by the expenditure of $192,000 would be great and lasting. An expenditure of that amount would not be like other expenditures of which nowadays we hear a good deal. For instance, there has been a very considerable expenditure on a bridge across a canal in the city of Montreal. I am not going to discuss the expenditure upon that bridge now further than to say this, that from the evidence in that case it appears that the bridge has cost at least $240,000 more than it should have cost. The excess of the cost of that purely local and comparatively unimportant work, over what it should have been, is $50,000 more than the amount the Government would be called upon to pay to aid in the construction of this important railway. There is another matter of which a good deal has been said during the present session of Parliament—what are known as the hard pan cases in connection with the railway through Cape Breton. There has been paid out in that case about $250,000 in addition to the amount to which the contractors were strictly entitled—that is, about $60,000 more than the Government would be asked to contribute towards the construction of this railway. Then there is another public work—I have no doubt a very valuable and meritorious one, but still one which does not benefit a large population—commonly known as the Tay canal, which has cost something over $476,000, according to the report of the Minister of Railways and Canals. Looking at these expenditures which I have just mentioned, there can at any rate be no scruple on the part of the Government or Parliament in giving the comparatively trifling assistance which may be necessary to secure the construction of the important public work whose claims I am advocating. And the claims of that railway are not set up by myself alone. Previous to the election of 1887, the gentleman who is now High Commissioner of Canada in England was a member of the Government, and he was waited upon by a deputation of gentlemen interested in the construction of this railway. He does not appear to have given them any pledge because he denied subsequently in Parliament that he had given them any pledge; but I know from conversation with some of the gentlemen who waited upon him—and they were not Liberals either—that he certainly left them under the impression that if the Conservative candidates were successful in Halifax county a subsidy would be almost certain to be granted to this railway; and the present members for the county have urged as one of the reasons for their election by the voters of Halifax, that if they were elected this road would be constructed, and if they were not elected, it would not. As an opponent of the Government, and an opponent of the members for Halifax county, it would perhaps be my best policy to say nothing about the construction of this road, but to be silent, so that when another election came around we could point to the fact that the promises made by these gentlemen and the hopes which they had raised had not been fulfilled. I do not look upon my duty in that light. I am anxious that the county in which I was born and where I hope to live and die, may prosper, and whether the Government secure political strength from the construction of this road or not, I am anxious to see the road constructed. The project is a feasible one. It will serve a large population. It will do the work of two or three immigration agents in the way of keeping our own people at home, instead of having them go to a foreign country, and it will help to complete the railway system of the province and of the Dominion. I do not speak with the utmost confidence, but I hope the Government will inform the House that they propose, when appropriating subsidies for other railways, to provide a subsidy for the Musquodoboit Valley Railway, and I now ask the question which I placed on the paper.

Hon. Mr. KAULBACH—It is not usual for me to make any remark on a simple question asked of the Government, and I would not do it in this instance were it not that the question put by my hon. friend affects the county of Lunenburg. A railway to connect Shelburne with New Germany and across the most fertile part of the county of Lunenburg from New Ger-

many to New Ross and from that on to Windsor Junction and thence to the valley of the Musquodoboit, would be very beneficial to the larger part of Guysboro' as well as to Halifax and Lunenburg counties, and that part of the province of Nova Scotia is certainly deficient in railroads. It has not received from either the Local or the Dominion Government the consideration to which its importance would entitle it. But the first step necessary is a charter and a grant of money from the Provincial Government. I have always contended for the construction of railways through the country. I believe that money judiciously expended on lines established in proper localities is a permanent advantage to the country. It is a benefit for all time and raises the whole status of the country, the agricultural interests and the people themselves. It makes the people more active, industrious and prosperous in the localities in which they dwell, developes industries, keeping the people at home and attracting settlers, thus populating the country. I perfectly agree with my hon. friend in all that he has said with regard to this railway, and the advisability of its construction, but I cannot overlook the fact that I think the position of this railway now is different from that of any other railway to which the Dominion Government has given a subsidy. I do not know where there is a company in existence in Nova Scotia called the Musquodoboit Valley Railway Company. No survey has been made, no prospectus issued and no route determined on, but it has been an election hobby, I have never known of a subsidy being asked from the Dominion Government for a local enterprise until such time as there was a company in existence and it had the sanction and assistance of the Local Government. That is essential before the Dominion Government can be asked to subsidize a local railway. My hon. friend also takes a different view of these matters from that which his financial leader does. That gentleman has often talked about the Maritime provinces as being mere shreds and patches, and said that the money expended there for railway purposes had been used for corrupting the constituences. That we have had from him over and over again —that the lower provinces, especially Nova Scotia, had been corrupted by these subsidies to the railways. I am glad that my hon. friend does not believe in the statement or that the people of Nova Scotia can be corrupted by such base means. They have not been in the past, and I do not think they will be in the future. My hon. friend is correct in saying that at every election, for the last ten years or more, whether local or Dominion, in the county of Halifax the Musquodoboit Valley railway has been an issue in the election. Both parties have tried to make capital out of it, and both blamed each other for not having done something to further its construction. But common sense must dictate to the people that they must first demand a charter and money aid from the Provincial Government. I hope that in the future that may be obviated by the railway being built as all other railways of a provincial character have been built. The people ought to have it. But we must have a company in existence and that company must have the support of the Local Government first. It must have the earnest approval of the Local Government in the shape of a subsidy. The general Act to which my hon. friend refers would not of necessity compel the Government to grant any assistance to that railway, and therefore I think that my hon. friend should use the great influence that he possesses over the local administration of Nova Scotia to have a company formed and a line of railway marked out that will extend by way of Musquodoboit to Windsor Junction and across the country through the fertile lands of New Ross and New Germany. When that is done, and the Local Government grant the subsidy which I believe they ought to grant, and would grant if they were properly approached, then I am prepared to co-operate with my hon. friend in pressing upon this Government the necessity and importance of this line and the advantages which would arise if it were constructed. I am sorry that my hon. friend introduced the question of excessive or improper expenditure elsewhere. It is foreign to the question before us, and it might have been just as well if he had not referred to it. Such hits at the Government and odious comparisons do not help to promote the object desired, but my hon. friend will always find in me on a question of this kind, a zealous co-operator with him in impressing on the Dominion Government the necessity of that railway, but I repeat there must first be a railway company

in existence, we must know where it is to run, and it must have the sanction and approval of the Local Government. When that is done, which ever party is in power the Government should come to the assistance of that road. In spite of the declaration of his financial leader, that the maritime provinces are the shreds and patches of this great Dominion, and that they have been corrupted in consequence of subsidies being granted in aid of railways of little or no importance, I believe that a railway should be built from the junction at New Germany to Musquodoboit, that no public money could be better expended in Nova Scotia, and that this subsidy should and would be granted to the railway in question.

Hon. Mr. ANGERS—The Government are considering their railway policy, in relation to roads already begun as well as in relation to new railways. The House will get full information when the Government has decided, with the sanction of the Governor General, to bring down the resolutions to be submitted for the consideration of the House. The strong plea made by the hon. gentleman from Halifax for assistance for this road will receive due consideration. I hope that the objection which has been made, that there is no incorporated company to build this road, does not exist, and that if there is such a company they have filed a claim with the Government setting forth the advantages to be derived from the building of this road, and praying for Government assistance.

Hon. Mr. POWER—The hon. gentleman from Lunenburg seemed to think the existence of a company incorporated for the purpose of building this road was a necessary pre-requisite to the granting of the subsidy. I think the hon. gentleman is not correct in that view, and I regret that the Minister seems to a certain extent to share the views of the hon. gentleman from Lunenburg. There was a company incorporated some years ago for the purpose of constructing the road, and that company made an application to the Government for a subsidy, which it did not get. I am disposed to think it is not at all improbable that the charter of that company has expired; but, leaving the company out of the question altogether, if the road is a work which deserves Government assistance, then if a grant is put in the Subsidy Act to be given to any company which constructs the road, that is just as good as if the company was in existence. There will be no difficulty in having a company organized, if there is not one now in existence, to undertake the work, and I may say, with respect to an objection raised by the hon. gentleman from Lunenburg, that the local Act in Nova Scotia provides that the Government shall give the assistance to any company which can satisfy the Government of their ability to construct the road.

Hon. Mr. KAULBACH—To any company?

Hon. Mr. POWER—Yes, any company, and the company will be formed if it is not now in existence. With regard to the road now in course of construction from Shelburne to the Nova Scotia Central Railway, the Local Government made a contract with that company for its subsidy under the General Act to which I have referred. There is no necessity for a special Act, because the General Act authorizes and directs the Local Government to give this assistance of $3,200 a mile to any railway which is of provincial utility, and there is not the slightest doubt that if the Dominion Government decide to give the subsidy, the Local Government will make a contract with any company prepared to go on with the work.

## TRUST CORPORATION OF CANADA BILL.

### AMENDMENTS CONCURRED IN.

Hon. Mr. LOUGHEED—I beg to move that the resolution adopted by this House on Wednesday, 23rd June last, with respect to the amendments made by the House of Commons to the Bill intituled "An Act to incorporate the Trust Corporation of Canada," be rescinded in so far as Nos. 2 and 4 of the said amendments were disagreed to, and that the said amendments 2 and 4 be now agreed to.

Hon. Mr. POWER—Strictly speaking I do not think that motion is quite in order. The motion of which the hon. gentleman gave notice was one to rescind the resolution of the previous day, and this is a different

motion : it provides not only for rescinding the resolution of the former meeting of this House, but to go further and agree to amendments made by the Commons. I am not going to raise any question of order about the matter. I am sorry that the hon. gentleman in the exercise of his own right to do what he pleases in regard to the amendment, has thought fit to agree to an amendment which was clearly an error.

The motion was agreed to.

## HOUSES OF REFUGE FOR FEMALES IN ONTARIO BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (II) "An act respecting houses of refuge for females in Ontario."

(In the Committee.)

Hon. Mr. SCOTT—This is the same as the Ontario Act, I suppose?

Hon. Mr. ANGERS—This is word for word the same as the Ontario statute. The only alteration in it is to have the same advantage for females sent to jail embodied in the laws of the Dominion.

Hon. Mr. OGILVIE, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## NORTH-WEST MOUNTED POLICE FORCE AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (121) "An Act to amend and consolidate the Act respecting the North-west Mounted Police Force."

(In the Committee.)

Hon. Mr. ANGERS—There is very little in this bill which is new except that the salary of the veterinary surgeon is increased to $1,000. It was found impossible to procure the right class of men at the lower salary formerly paid. A certain number of inspectors have been also added, and power is given to employ a certain number of boys as buglers at a reduced rate of wages, being a saving on the former system, as the work is done just as efficiently by them as by men. As we go on with the bill I shall indicate the other clauses which are new and what explanations may apply to them.

On clause 4,

Hon. Mr. POWER—I notice that one of the differences between this clause and the section in the existing law, the place of which it takes, is an increase in the staff. The old law runs this way—that the Governor General may from time to time appoint a commissioner of police, assistant commissioner, etc. This clause provides that the Governor General may appoint an officer who shall be called a comptroller of the North-west Mounted Police—that is an officer not mentioned in the old Act—and in addition to that a commissioner of police and an assistant commissioner, etc., so that we are to have at the head of the force now an officer who was not in existence originally. If we are to have a comptroller, we might dispense with one of the officers. It may be said in reply that the force is larger now than it was when this Act was passed in 1886. Still the force has been organized and it does not require very much ability to keep it going. When the police force was first constituted, everything was new and probably called for a good deal of skill to manage and control it, but the force would, I fancy, almost run itself now, and I cannot see why the staff is to be increased.

Hon. Mr. ALMON—I should be very much more pleased with this bill if it increased the pay of the common policeman. I understand that the pay, when this force was first originated, for a private was $1 per day and a grant of land after a certain term of service. The grant has since been taken away, and instead of receiving $1 he receives half a dollar a day. That is small pay. The policeman has to go through all the drill of a soldier, has to groom his horse, and has to expose his life keeping off the whisky smugglers from the border and suppressing rows among the Indians. Instead of going to the expense of sending troops to the North-west to suppress any possible rebellion, it would be better that the Mounted Police should attend to that and put down any disturbance at once. It is all very well to say that the British soldier receives lower pay than half a dollar a day.

That is a fact, but if a war breaks out the British Government will find it a disadvantage. When the civil war of the United States broke out, it was found necessary to increase the pay of the soldiers. One of the things that Englishmen will learn when a war breaks out is that they will have to increase the pay of the soldiers and sailors. I think the pay of the men in the North-west Mounted Police should be increased, and also, as we have great areas of public lands, that each man should have a grant of land after his term of service is over. You may say that the land would not be worth much, but certainly with such an inducement held out to him, a young fellow would be more likely to enter the service.

Hon. Mr. ANGERS—I agree with the remarks made by the junior member of Halifax, that the police are rendering valuable services in the North-west. They do customs duty, magistrates duty, and also look after cattle in quarantine, but as to the rate of their wages being raised it must be considered that there are very few men who are in a position to save as much money as these policemen can. Take the case of ordinary labourers in the city of Ottawa. Are there many who can save fifty cents a day after providing for their clothing, lodging and sustenance? The men in the North-west Mounted Police force are provided with lodgings, clothing and board, and they can save all their wages. Coming back to the main objection, that although this force has increased the officers are increasing out of proportion to the number of men, I may explain that this is not really the creation of a new officer. It is giving him the proper name under the law. The present occupant of the office of comptroller has held the position since January, 1880—that is Mr. White in Ottawa. He has also had the rank and pay of a deputy head since July, 1883, under an Order in Council. This bill is only confirming by statute what has been the practice for the last fourteen years. The object of it is to give him an acknowledgment under the law and to give him socially the rank of deputy head, but so far as creating a new office is concerned this bill does not do so.

Hon. Mr. POWER—My objection is not to the appointment of comptroller, but to the number of the staff under him. The commissioner must have acted heretofore as comptroller.

Hon. Mr. ANGERS—No, there has been a comptroller since 1880 when the police force was formed.

Hon. Mr. POWER—In sub-clause 3 it is provided that the commissioner of police shall perform such duties as are assigned to him and shall be subject to the control of such persons as may be named for that purpose by the Governor in Council. This force has been in existence so long, that the duties of the commissioner ought to be known and set forth in the Act and not left to the discretion of the Governor in Council. There is nothing like defining the duties of officers. You can define all the duties and you can then say "and perform such other duties as may be assigned to him."

Hon. Mr. ANGERS—This force is of a semi-military nature. Is it possible to define in an Act all the duties and powers of the commissioner of such a force? It is to give the Governor in Council or the Minister, authority over him. An occasion may occur to-morrow where the commissioner would receive instructions from here to do and fulfil such and such a duty. If we undertook to define in the law what are his duties we would find that perhaps we would be limiting our power and making the force useless.

Hon. Mr. POWER—The hon. Minister again misapprehends the point of my observation. The point that I took was this. We know that after so many years we ought to have a general idea of what the duties of the commissioner are. I have never been in the North-west, and I do not know what his duties are. What I suggest is that we should define some of his duties, and then add "to do and perform such other duties as may be assigned to him." That does not limit the power of the Government to provide for any emergency. What are the duties of a commissioner? I think the House ought to know.

Hon. Mr. ANGERS—The duties of a commissioner would correspond, I suppose, with the duties of a colonel or the major of a regiment. He is the head of the force. With him rests all the authority for maintaining discipline and directing the force.

Hon. Mr. ALLAN—He would be like the chief of police of a police force.

Hon. Mr. ANGERS—Yes, but these officers do more, they fulfil the duties of magistrates over all the territory. Parties charged with offences against the customs or the license laws are tried by them, and they discharge such duties besides being at the head and in command of the whole force.

The clause was adopted.

On clause 5,

Hon. Mr. SCOTT—Can the Minister tell me how many veterinary surgeons there are in the force?

Hon. Mr. ANGERS—I am not positive, I do not think they exceed four, Formerly, I think there were two, but it has been found necessary to have more, because we are using them also to attend upon the cattle quarantined, and some of them have to leave their stations to visit cattle in response to requests from different districts.

Hon. Mr. KAULBACH—What is the strength of the Mounted Police force now?

Hon. Mr. ANGERS—I do not think it is in excess of 800 men.

The clause was adopted.

On the 6th clause,

Hon. Mr. POWER—Could the Minister give the House any idea as to the probability of an early reduction of this force? It is a large and expensive force and it does not seem to me that we should keep on paying these men for ever. The Indians are becoming less numerous and dangerous and a regular civilized government is taking the place of the rule of the police force over large tracts of the North-west. It seems to me that the time has come when the Government ought to be thinking of reducing the number of the force.

Hon. Mr. ANGERS—I do not think the time has come to reduce the number of the force. Every day those men are becoming more useful and we are using them for various services. Last year my own department used the Mounted Police for the purpose of looking after cattle in quarantine. If I had not had the men, it would have cost the country over $30,000 for the service that I had them perform there. The whole of that service was performed for about $5,000, which will go from my department into the department of the President of the Privy Council, who is in charge of the force. It has been said that the Indians are diminishing in number. I do not think that they are decreasing. We are doing the best we can to improve them, and perhaps as they improve they become more exacting and require more attention and more vigilance on the part of the police. The Mounted Police are doing a very great service and at present the number is not in excess of what it should be.

Hon. Mr. OGILVIE—The hon. gentleman from Halifax said he had not been in the North-west and did not know much about that force. I have been a great many years intimately acquainted with the movements of that force in the North-west and have known a great many of their officers and have been about with them while they were discharging their duties. I have seen them doing all kinds of work, acting as collectors, of customs, as policemen, quelling disturbances, keeping riots down while the railway was being built—in fact I can say without the slightest hesitation (and I speak with *connaissance de cause*) I doubt if there is any force in the world of the same number that has ever done as much good as our North-west Mounted Police. The reason is this while there may be some wild fellows among them, there is more intelligence in that force than you will find in any regiment anywhere else. When they turn out they make a splendid appearance. They have the respect of the white people of the North-west and of the Indians also. It is a rare exception when you hear a bad word about any single man in the Mounted Police Force. I have very little interest in the North-west, but for the sake of our own country I hope the Government will think about a great many other things before they think of reducing the force. Instead of reducing it, I think the force should have been raised to 1,000 men as was spoken of a few years ago. There is plenty of work for them to do and they save sometimes in one year more than they cost the country in ten years.

The clause was adopted.

On clause 9,

Hon. Mr. POWER—I notice a little inconsistency in the language of the latter part of this clause beginning at line 45 :

And every such commissioner, assistant commissioner, superintendent, or other officer, is hereby further empowered to exercise in any province of Canada adjacent to the said Territories.

That is, I presume, Manitoba and British Columbia. One can understand that they should exercise such power, but the clause goes on :

And every constable is hereby empowered to exercise in every province of Canada, &c.

That would mean, literally interpreted, that a member of the North-west Mounted Police Force who happened to be taking his holidays in Quebec or Nova Scotia might undertake to exercise in those provinces the extensive powers given him in the North-west Territory. I fancy the word "such" must have been omitted before the word "province" in the last line, and I suggest that the word "such" should be introduced there to harmonize the language.

Hon. Mr. LOUGHEED—The object is that constables should have the right to act—that is constables—in every province of Canada, but the power of the commissioner and other officers is limited to the provinces adjoining the North-west Territories. The right does not extend to the commissioned officers to act outside of those provinces.

Hon. Mr. POWER—But why should that be so?

Hon. Mr. LOUGHEED—It may be very desirable to have those constables carry out any of the duties assigned to them in any part of Canada.

Hon. Mr. DEVER—To follow criminals into other provinces?

Hon. Mr. LOUGHEED—If it is held that there are duties to be performed by those constables in British Columbia and Manitoba, those duties are no so exceptional that they should not be exercised in other provinces as well.

Hon. Mr. ANGERS—Some of those constables are now being used and sent up to the Yukon District for the purpose of enforcing the customs laws. Before they reach there they will have to travel through British Columbia. I mention this only as an illustration which occurs to me at the moment. It might happen that this constable would require to exercise his full powers on his way there. Other instances may occur going through the province of Quebec to reach the Labrador coast. Why should a constable not have that power extended to him wherever he goes when he acts under Dominion laws?

Hon. Mr. POWER—I think it is highly objectionable that he should.

The clause was adopted.

Hon. Mr. SCOTT—Perhaps the Minister would state to the House the number of veterinary surgeons to be employed and the number of stations before the bill is read the third time. There must be at least 12 or 15 stations, and it is not proposed to furnish a veterinary for each station. The force happened to be under my administration for some years and when an application was made for an assistant, or an extra veterinary, I called for the return of the disabled horses and I found that at a considerable number of points where there were no veterinary surgeons the horses were in good condition, and it was only where there was a veterinary surgeon that the horses were in the hospital.

Hon. Mr. ANGERS—Very likely all the horses that wanted treatment were sent to the very place where there was a veterinary surgeon. However, I will give the House the information. My impression is that the number is four, but there may be more. There are many stations which consist of five or six men, and sometimes less, where it is not necessary to have such an officer.

Hon. Mr. MACDONALD (B.C.), from the committee, reported the bill without amendment.

## NEW YORK, NEW ENGLAND AND CANADA COMPANY'S BILL.

### SECOND READING.

Hon. Mr. POWER moved second reading of Bill (7) "An Act to incorporate the New York, New England and Canada Company." He said : This is a bill to incorporate cer-

tain gentlemen to enable them to carry on the business of carrying passengers and forwarding them.

Hon. Mr. KAULBACH—I do not much like the title of the bill I think it might be changed.

The motion was agreed to and the bill was read the second time.

## CONTINGENT ACCOUNTS OF THE SENATE.

### CONSIDERATION OF THE REPORT OF THE COMMITTEE.

The Order of the Day having been called,

Consideration of the third Report of the Standing Committee on the Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. McKAY said: Before moving this report I desire to make a few explanations regarding it. The first three clauses of it have reference to the auditing of the clerk's accounts and are in the usual phraseology which I need not make any reference to. The next clause of the report is the result of the work of a sub-committee that was appointed to deal with the organization of the staff, and clauses 4, 5, 6 and 7 are largely declaratory as to the duties and responsibilities of the clerk. It is perhaps not giving him any more powers than he had before, but it is specifying them more definitely. Then as to clause 8—in examining into the duties of the different clerks it was found that some clerks had more to do than was thought proper. They therefore relieve the clerk's assistant of the care of the periodicals and newspapers, assigning the duty to the clerk in charge of the stationery. Then clause 9 recommends:

With a view to relieving the clerk assistant of a part of his onerous work, and to provide for the prompt and satisfactory translation of bills and departmental reports, your committee recommend that an additional French translator qualified to do this work, be appointed, at a salary not exceeding $1,200 a year. But that he be not permanently appointed until his qualifications for the position have been tested by the chief translator and of the first French translator and certified by them.

It will be remembered that during the present session we had to give authority to employ assistant French translators, and it is a very expensive matter to employ translators temporarily. The committee also found that the two gentlemen who did this work, the Clerk's assistant, and the first French translator, had more work than they could do, and in addition to all that, the committee found that in the case of illness of either one of these gentlemen, or anything worse than that, the Senate would be without any French translator and it would be a drawback to the work of the session. They came to the conclusion that it would be in the interests of the Senate that some person should be employed who would be coming forward to fill a gap in case of an accident of that kind, and perform the duties that were discharged this year by extra men who had to be employed. Then we come to Nos. 10 and 11:

The clerk of private bills shall perform also the duties of clerk of the committee on the restaurant, and render the necessary assistance in the supervision of the restaurant and in taking care of the furnishings thereof.

Your committee recommend that the salary of Mr. Alexander Soutter, clerk of private bills, be increased from $1,500 to $1,650 a year, such increase to take effect on and from 1st July, 1894.

For a number of years past we have been in the habit of giving authority to pay $100 to the committee on the restaurant for the purpose of caretaking of the furnishings, and it was thought better by the committee that this should become the duty of the clerk of private bills, so that we could abolish that former way of doing it. We here recommend that he shall perform those duties, which he has been doing for a number of years past, and that he shall receive an increase of salary of $150, but I may explain to the House that this, although it appears like an increase of $150 is only an increase of $50 because in future there will not be a vote set aside for this purpose. Previous to the last five or six years there was a great loss of the material that belonged to the restaurant, and every session it was found that a lot of articles were stolen or lost. Since this system has been originated we have had very little lost at all—in fact, I do not think we have lost anything, and the actual payment that has been made in this way is a saving of public money. Now we come to Nos. 12 and 13 and 14:

Having regard to the long service of Messrs. Alfred Garneau and Charles T. Gibbs, respectively first French translator and accountant, and the important character of their duties, your committee are of opinion that these gentlemen have

equitable claims to an increase of salary, and your committee accordingly recommend :

That the salary of Mr. Alfred Garneau, first French translator, be increased from $1,900 to $2,000 a year, such increase to take effect on and from the 1st July, 1894.

That the salary of Mr. Charles T. Gibbs, assistant accountant, be increased by $100, such increase to take effect on and from the 1st of July 1894, and the annual increase of $50 to which he is now entitled, to continue until $1,500 is reached.

That is that each of them receive $100. Alfred Garneau has been in the service 33 years and is a very efficient officer and it was thought by the committee that it was nothing but fair that he should receive an additional $100. The accountant, Mr. Gibbs, is performing a very important duty, a duty that requires continued attention, and he has performed it I believe to the satisfaction of everybody. His accounts from year to year are found in excellent condition, well kept, and the committee were of opinion that he should have a slight increase of salary. It is proposed to give him an extra $100, and with the natural increase which comes to him, he will reach the total amount of $1,500. We next come to paragraphs 15, 16 and 17 :

With a view to improving the discipline in that branch of the Senate service, your committee recommend that the door-keepers, messengers and pages be placed under the supervision of the Serjeant-at-Arms, who shall have power to suspend any member of that portion of the staff for a fortnight, any longer suspension to be by the Clerk.

The housekeeper or chief messenger to continue to direct the staff of messengers, subject to the supervision and control of the Serjeant-at-Arms.

The staff of permanent messengers is decidedly larger than is necessary for the performance of the work to be done out of session. Your committee recommend that no further appointments of permanent messengers be made until the number of such messengers is reduced below five (including the keeper of the wardrobe, the bank messenger and the Speaker's messenger), and that thereafter the number of such messengers shall not exceed five.

The committee investigated the duties of messengers and that sort of thing and learned that they were in the habit of disobeying, to a certain extent, the housekeeper who had control over them, and that out of session there was very little control or management at all. They appear to have come and gone just to suit themselves, and with that knowledge before them the committee were of opinion that it would be better to place the direct management under the supervision of the Serjeant-at-Arms, and that the housekeeper should continue to direct the other messengers subject to the supervision and control of the Sergeant-at-Arms. This will be an experiment which will, I think, be an improvement over the past system.

Hon. Mr. KAULBACH—Is the Serjeant-at-Arms supposed to be here always?

Hon. Mr. McKAY—I believe he is supposed to be present all the year. They also discovered that the staff of permanent messengers was much larger than there was any necessity for, and that there was nothing for them to do out of the session. They recommend here that there shall be no more permanent messengers employed until the staff is reduced below five, and that in the future they shall not exceed five.

Hon. Mr. SULLIVAN—What is the number of permanent messengers ?

Hon. Mr. McKAY—We have eight now.

Hon. Mr. SULLIVAN—How many sessional ?

Hon. Mr. McKAY—We have five, but in the case of a vacancy in the permanent staff this does not prevent our appointing a sessional messenger if the Senate thinks it is necessary for their accommodation while they are here. It simply reduces the permanent staff when death occurs. Then we come to eighteen:

In consequence of the proposed reduction of the staff of permanent messengers, it is recommended that Moïse Gagnon, appointed provisionally at the close of last session, be not placed upon the permanent list, but that he be paid at the rate of $600 a year up to the 13th of June, 1894, and be thereafter a sessional messenger.

Finding that there were too many permanent messengers, we thought it was out of place for us to ratify the appointment that was made during the recess, and this messenger will continue after the 30th June as a sessional messenger. Then we have No. 19 :

It shall be the duty of every officer and employee to obey and show respect to all his superiors ; and it shall also be his duty to report any negligence or wrong-doing on the part of any other officer or employee, so that the same may be dealt with as the case may be.

We have heard objections already to the first part of it. It has been said that the second part of that clause was objectionable, but I want to point out the meaning of it, and it is this, that we have junior clerks in this House, one of whom is an assistant to the Clerk of French Journals. We have a junior clerk who is general assistant to everybody. If one of those men should neglect his duties, we believe that one of those officers should report him to the clerk who has charge of the whole staff. It has been objected that this is a system of espionage, but I maintain that it is not. It is simply a request of the officer to report to the clerk if any officer is not doing his duty.

Hon. Mr. OGILVIE—As you read it there it is just putting them as spies on each other.

Hon. Mr. McKAY—No, I maintain it is not. Then No. 20 is as follows :

> Your committee recommend that the expenditure of a sum not exceeding one hundred and fifty dollars ($150) be authorized for the purpose of completing, as far as possible, the sets of Provincial Statutes passed before Confederation, required for use in the Law Clerk's office.

The last clause will be the winding up of that old state of things, the item of $100 to the committee. This is the last time it will appear if this report is adopted, but we had to make this provision in order to settle up this last year.

Hon. Mr. ALLAN—I should like to ask the chairman of the committee the reasons for that clause giving charge of the supervision of the messengers, etc., to the Serjeant-at-Arms? I have no doubt whatever that that gentleman would discharge any duty of the kind very well indeed. It is not on that ground that I object, but it seems to me that it is passing over the Usher of the Black Rod who, I understand, ranks before the Serjeant-at-Arms as an officer of this House. Not only that but the Usher of the Black Rod is charged with the direction of the arrangement of the chamber, issuing tickets and everything of that kind both at the prorogation and at the opening of Parliament and it seems to me that it would be very inconvenient, in view of the duties committed to him, that there should be a divided authority of that kind. Moreover, the Usher of the Black Rod is a resident in the building—he is therefore on the spot. With regard to the Serjeant-at-Arms, I assume that he is not here generally during the greater part of the summer, when the House is not in session, and therefore would not be in a position to carry out those duties during the vacation. I desire it to be distinctly understood that in bringing this matter up I have no doubt whatever that the Serjeant-at-Arms would discharge any such duties thoroughly and efficiently, but it is due to the officer—I think I am correct in that respect—who ranks before him that some reason should be given for passing him over and assigning a duty to the Serjeant-at-Arms which should be discharged by the Usher of the Black Rod.

Hon. Mr. McKAY—I am not in a position to go into the matter fully, but I may mention that both the sub-committee and the general committee consented to this unanimously. There was no dissenting voice.

Hon. Mr. KAULBACH—The remarks made by the hon. gentleman from Toronto with regard to the Serjeant-at-Arms having supervision over the messengers and other employees, was a suggestion that I made to the chairman myself. The Serjeant-at-Arms is not supposed to be here during the recess, and those duties more properly devolve on the Usher of the Black Rod, whose functions renders it necessary that he should have control of the messengers in this House. If he would take upon himself the duty, I think it would be more consistent with his office that he should have it than the Serjeant-at-Arms. Although the committee seem to have been unanimous in the matter, that may not have occurred to them, otherwise there might have been a difference of opinion upon it. I am glad to see the general staff of messengers is not to be increased. It is important that the committee should always with regard to the sessional messengers and also the permanent staff, consider the young men who come in here as pages. Many of them are too ambitious to remain, but those who wish to stay in the service are so thoroughly trained to know the members of the House and the duties and requirements of the position that they are certainly the best men to make sessional messengers and later, when we can

further advance them, make permanent messengers. Very often we get men here who are not properly trained for sessional messengers. They are no doubt desirous of doing all they can, but their training is not such as would adapt them to the duties they have to discharge. Hereafter I think any page who becomes too large for the duties of a page should be appointed first, as they are better adapted for the position of sessional messengers.

Hon. Mr. MACINNES (Burlington)—Although I am a member of the Committee on Contingencies, I was not a member of the sub-committee where those changes alluded to here were made and I think that the remarks which have been made by the hon. member from Toronto are very much to the point. I am not aware that the Usher of the Black Rod has neglected any of the duties which have been assigned to him in the past. I have not heard any complaint against him—he may have been guilty of indiscretions which I am not aware of, but I think it is hardly fair, it is not in fact in accordance with our general course, to place an inferior officer over one who is in a higher position.

Hon. Mr. POWER—The report does not recommend anything of the kind.

Hon. Mr. MACINNES (Burlington)—You assign duties to the Serjeant-at-Arms which it appears to me should be assigned to the Usher of the Black Rod.

Hon. Mr. POWER—That is a different thing altogether. We assign to him duties which have been largely performed by the housekeeper.

Hon. Mr. MACINNES (Burlington)—The Usher of the Black Rod lives in the House and is always here on the spot. I am not aware that the Serjeant-at-Arms does live here. Therefore it appears to me that he would not have the same opportunity in maintaining discipline. I am therefore sorry that the duty has not been assigned to the Usher of the Black Rod instead of the Serjeant-at-Arms.

Hon. Mr. ANGERS—As a member of that committee, I wish to state what I believe to have been the intention of the committee in this matter. It was not intended in any way to slight the Usher of the Black Rod nor to override his powers or ignore him in any way in this matter. He was looked upon as an officer, appointed by His Excellency by Order in Council, and not an officer over whom this House had full authority, and as it was necessary that we should give some person authority over the servants of the House, we took one of our own servants for that purpose. That is the reason that determined the committee in giving Mr. LeMoine charge over the messengers in this House. There was nobody before of his standing and position and authority who had charge over the messengers and pages in this House, and this change was thought advisable. There is another paragraph in the report to which I do not wish to make objection, but I must confess that when it was adopted I did not give it sufficient attention. It is giving the officers direction to report one another.

Hon. Mr. OGILVIE—Hear, hear ; I object to that very much.

Hon. Mr. ANGERS—The officer who has charge of a branch should report to the Clerk of the House and the clerk to the chairman of the committee any breaches of duty on the part of those under him, but it was not the intention that an officer belonging to one branch should be a spy or have supervision over an officer of another branch to see whether he was doing his duty or not. I believe it was not the intention of the committee to do that. We did not intend to excite jealousy or ill-feeling, but we intended that the superior officer in charge of a branch should report those under him who might neglect their duty. As a member of that committee, and as I concurred in the report, it would perhaps be unbecoming on my part to withdraw my consent to it, but if it is possible to improve the language of it, I as a member of the committee, shall accept the amendment very gracefully.

Hon. Mr. MACINNES (Burlington)—The direction in the report would have a tendency to destroy the *esprit de corps* which should exist in every service. It would be a pity if a system of espionage were established which that clause would have a tendency to do. It is desirable that the language of that clause should be changed.

Hon. Mr. BOLDUC—Before the report is adopted, I wish to call the attention of the House to paragraph 18 which recommends the dismissal of Moïse Gagnon. I suppose the committee has not decided to make a reduction in the number of permanent messengers without being advised by the head officer of the House. I have no objection to the reduction of the number of messengers if it is found to be advisable, but one thing to which I object, is that a man should be dismissed without any warning whatever. If I am correctly informed, that man Gagnon was appointed on the 2nd day of April last year by his honour the Speaker on the death of Archambault. The appointment had to be ratified by the committee. I am informed that this man Gagnon has been employed during the whole year as a permanent messenger, and now, if he is dismissed without any warning at all, I believe it is not fair to the man. Gagnon, before being employed by the Speaker, was a sessional messenger and there is a great difference between the pay of a sessional messenger and that of a permanent messenger. Moreover, this man Gagnon, I am informed, was paid a salary of $600 a year during the time he has worked as a permanent messenger, and out of this he has had to pay $26.19 to the superannuation fund, which sum he would not have been obliged to pay had it not been for his appointment as a permanent messenger. Now, if instead of being paid as a permanent messenger, Gagnon had been paid as a sessional messenger, he would have received $100.13 more than he is receiving. If the House decide that the number of permanent messengers must be reduced I have no objection, but I think it would be only fair to Gagnon that he should be employed for some months longer. If he had known that he was to be dismissed, he might have been able to look about for employment elsewhere. It is too late to do that now. Gagnon might have been employed until the 15th day of March last as a permanent messenger, and during the present session of parliament as a sessional messenger; I believe that would be only just. If you are going to dismiss him at the end of the session, he should be entitled at least to the pay of a sessional messenger during this session instead of being paid at the rate of a permanent messenger.

Hon. Mr. KAULBACH—He has not been dismissed. He was never properly appointed.

Hon. Mr. BOLDUC—All the appointments made by the Speaker were ratified by the committee.

Hon. Mr. McINNES (B.C.)—I do not rise to find fault with anything the report contains, but to find some little fault because it does not contain more. Several recommendations have been made by the sub-committee and endorsed by the committee. The first recommendation is to increase the salary of Mr. Garneau, a gentleman who has been in the service some 32 years, a very good and efficient officer. The recommendation to increase his salary by $100 was unanimously accepted by the general committee. Then it was proposed to increase the salary of Mr. Soutter by $150, or more properly speaking by $50, because he had been receiving for several years $100 for taking care of the silverware of the restaurant and other articles, but it was thought advisable by the sub-committee, and the general committee endorsed their view, that his salary should be fixed at an increased rate of $150 a year. Then came Mr. Gibbs, the accountant, another worthy and very estimable employee of the Senate. The recommendation is that his salary should be increased by $100. I am only sorry that the recommendation was not to increase it by $200, and even if it had been so increased his valuable and important services would be underpaid. But there was another employee of this House whose merits and interests are entirely overlooked, a gentleman who has been in the public service of Canada for over 35 years. That gentleman is our postmaster. He, I believe, was engaged in the old parliament of Canada some eight or nine years before Confederation, and I am credibly informed that ever since Confederation he has acted in a very trustworthy and proper manner. He is obliging and ready to give such assistance and information to Senators as he possesses. I felt so strongly on the matter that I took the liberty of moving in the committee that his salary be increased by $100, and my motion was defeated by only two votes. I inferred from the close division that the feeling was largely in favour of an increase of his salary, and that is why I propose today to move that his salary be increased by

at least by $100. In order to show the reasons why I think it is only just and fair that his salary should be increased, I will draw the attention of hon. gentlemen to the fact that in the House of Commons the postmaster receives a salary of $1,700. Now I see no good reason why this difference should exist.

Hon. Mr. POWER—I rise to a question of order. The matter now before the House is the report of the Committee on Contingent Accounts and Internal Economy. The hon. gentleman has announced that he proposes to move that an addition be made to the salary of the postmaster. That would not be an amendment to the report. The report does not deal with the postmaster's salary at all, and therefore the resolution which the hon. gentleman proposes to move cannot be an amendment to the report. His Honour the Speaker must know that it is not an amendment, because it does not in any way change the report. The report stands entire even if this resolution does pass. The proper way for the hon. gentleman, if he wishes to secure an increase for the postmaster, is to move a separate motion.

Hon. Mr. McINNES (B.C.)—The reason why I have taken this position is this: I was rather suspicious that my hon. friend from Halifax would raise the question of order, and I think I can establish to the satisfaction of the Speaker that I am in order. I would refer hon. gentlemen to the Debates of last year, when a report of a similar character was made by the Contingent Accounts Committee, recommending that the sessional messengers of the Senate be paid $250, the amount they generally receive. I find on page 454 of the Debates of last year the following:

> Hon. Mr. BOWELL—Before adopting that report I beg to call the attention of the Senate to the 6th paragraph. Your committee recommend that these sessional messengers be paid the sum of $250 for their services during the present session. That is equal to paying messengers $125 per month.

And the hon.gentleman concluded by moving that the 6th paragraph of the report be struck out. That amendment was discussed and a division was taken on it, and the motion of the leader of the House was sustained. Consequently I claim that if an hon. gentleman, whether he be the leader of the House or a private member, can move that a certain portion of a report be eliminated or expunged, it is just as competent for a member of the House to move that an addition be made to the report.

Hon. Mr. POWER—Not at all: that was an alteration of the report.

Hon. Mr. McINNES (B.C.)—It was eliminating an entire clause from the report. I want to add a clause, and with the permission of the House I will read it, and then speak to the motion. It is as follows:—

> That the report be not now adopted, but that it be amended by adding the following clause: That the salary of John B. Myrand, postmaster of the Senate, be increased by $100, such increase to take effect on and from the 1st July, 1894.

When I was interrupted I was proceeding to show the great disparity between the salary of the postmaster of the House of Commons and the postmaster of the Senate.

Hon. Mr. POWER—The hon. gentleman can only speak to the question of order until it is disposed of.

The SPEAKER—My opinion is that the motion would be in a better form if it proposed that the report be referred back to the committee with instructions to make the increase referred to. I do not see any great objection to the amendment as it is, but the form that I recommend is the better one.

Hon. Mr. McINNES (B.C.)—It is within my recollection and it must be within the recollection of hon. gentlemen in this House—that on several occasions reports coming from the Contingent Accounts Committee here have been dealt with in precisely the same manner as I propose to deal with this one.

Hon. Mr. KAULBACH—Is my hon. friend objecting to the decision of the Chair?

Hon. Mr. McINNES (B.C.)—No.

Hon. Mr. KAULBACH—Then it is not the question before the House.

Hon. Mr. ALLAN—I do not see how my hon. friend's motion can be considered in order. It is referring to a matter which is

not in any way in the report; and if he wishes to bring that forward it seems to me the only correct way of doing it would be to take the suggestion of his honour the Speaker, and move that the report be referred back.

Hon. Mr. McINNES (B.C.)—I intend doing so; but I was merely mentioning the fact, before accepting the decision of his honour the Speaker, that I recollect several occasions in this House when the same course was pursued. However, I will accept the suggestion made, and amend my motion in that way. When interrupted I was calling the attention of the Senate to the fact that in the Commons the postmaster has a salary of $1,700; he has an assistant who receives $900, and during the session he has six extra clerks who receive no less than $4 per day each. The sessions, as we are all aware, generally average about four months, and at 30 days in the month, it would amount to $480 that each of these extra clerks would receive. The Senate pays its postmaster $1,300. It may be stated—in fact I have heard it suggested by some hon. gentlemen—that the duties of the postmaster here are certainly very limited compared with those of the postmaster in the Commons. I want to disabuse the minds of those hon. gentlemen of that idea. The postmaster of the Senate is here precisely the same number of hours that the postmaster in the House of Commons is.

Some Hon. MEMBERS—No, no.

Hon. Mr. McINNES (B.C.)—During the time that this House is in session, the postmaster remains at his post until the House adjourns. In the House of Commons after 10 o'clock there is only one man left in charge; all the others leave. They are free from duty at 10 o'clock; and I think it is taxing the energy and the patience of our postmaster too much to require him to be here from 6 in the morning until 10 oclock at night, or later than that if we are in session. Those are the principal reasons why I think in all fairness that his salary should be increased at least by $100. There are other officials of the Senate who are paid precisely the same amount that is paid to corresponding officers in the other Chamber; why should we make this great difference between the postmaster of the Commons and the postmaster of the Senate, when I venture to say, without making any reflection whatever on the postmaster of the Commons, that our official does twice or three times as much work, the postmaster of the Commons has the responsibility, but his labour is performed by his assistant and by the extra clerks. I therefore move that the report be not now adopted but that it be referred back to the committee with instructions to increase the postmaster's salary by $100 from the 1st July, 1894.

Hon. Mr. POWER—I do not rise for the purpose of questioning in any way the efficiency of the Senate postmaster. I do not think any one has questioned that. This sub-committee was appointed for the purpose of considering the organization of the Senate staff; it was not appointed for the purpose of dealing with the salaries of the officers of the House generally. There were several officers whose salaries we thought might be increased if we were dealing specially with that subject; but in the course of our investigations we came across one or two cases—the case of Mr. Garneau for instance—where it was quite clear that an officer had been under-paid for a long time, and we recommended a trifling increase in his pay. The increase in Mr. Soutter's pay is only $50, and it is hardly worth speaking of. Then, with respect to Mr. Gibbs, the committee were satisfied that he was doing a great deal more work than was indicated by his title. I believe that, with the exception of, perhaps, the Clerk's assistant, Mr. Gibbs is the hardest worked officer in the service of the Senate, and his health has suffered from his application to his duty. There were several other officers who thought they had claims to increase of salary, but neither the sub-committee nor the committee thought this was the time to deal with the question of salaries generally. The feeling was that that question could stand over until next session, and every case would then be considered on its merits. I regret that the hon. gentleman from British Columbia has not thought well to allow the matter to remain until then, when it could be dealt with. My own impression is that if the matter had been allowed to stand, the claims of the postmaster would receive generous consideration in the House. I do not think we need trouble our heads much with these comparisons with the officers of the

Commons. We do not know just what the duties of the officers in the other House are, and at any rate we are dealing with our own officers, and we generally deal with them independently of the practice of the Commons. . Our postmaster received an increase of $200 in 1891. That is three years ago. Up to that time he had not proposed to resign because his salary was insufficient. It was never understood that his pay was insufficient previous to that time. We gave him an increase then and he was satisfied. Now in order to enable hon. gentlemen to form some idea as to the onerous nature of the duties of our postmaster, allow me to call the attention of the House to this fact, that up to a few months ago our postmaster lived in the city of Quebec. He came here shortly before the opening of each session, and he left two or three days after the close of the session. He was practically here about as long as we ourselves were here.

Hon. Mr. McINNES (B.C.)—And paid a substitute during the recess.

Hon. Mr. POWER—I am very glad the hon. gentleman has made the suggestion. I do not think it is right to talk of things of that sort, but as the hon. gentleman has suggested it, I may say our postmaster paid another officer to discharge his duties during the whole of the recess. What did he pay him? He paid him $40 for the work during the recess, and that gives us some indication of the onerous character of the duties of our postmaster during the recess. It would have been much better for my hon. friend and for the postmaster of the Senate to have let this matter rest and let the Committee deal with it next year.

Hon. Mr. McINNES (B.C.)—Why did you deal with the other matters?

Hon. Mr. POWER—It is perfectly absurd to compare our postmaster with Mr. Gibbs, who is here all the year round discharging duties of an onerous character, requiring great skill and knowledge, and discharging them in the most admirable way. You can take any man off the street who can read and write and he is able to discharge the duties of postmaster; but it is not so with the duties of accountant. The hon. gentleman knows that Mr. Gibbs discharges a great many other duties than those in connection with the accounts, and it is absurd to institute a comparison between those two officers. There is hardly an instance where the Committee of Internal Economy, having considered a matter fully and reported it to this House, and any member has moved for an increase beyond what was proposed in the report. The case to which the hon. gentleman from British Columbia referred, which occurred last year, is not analogous. In that instance the leader of the Government in this House moved to reduce the amount recommended by the committee. Where the committee have given the matter their consideration, and particularly where they have not rejected the proposal but have decided to allow the matter to stand over till next session, which will not be more than six months hence, it is a mistake to bring it up.

Hon. Mr. McMILLAN—I should say, in order to recognize the difference between these two officers, that we had better increase Mr. Gibbs's salary.

Hon. Mr. McINNES (B.C.)—I did not compare Mr. Gibbs with our postmaster. My comparison as with the postmaster of the Commons. It is said that our postmaster lived in Quebec continuously until a few years ago; I would ask where is the postmaster of the Commons or his assistant during the six or eight months when Parliament is not in session?

Hon. Mr. McMILLAN—I did not complain of the motion to increase the postmaster's salary, but if there is a discrepancy between his and Mr. Gibbs's salary. I think Mr. Gibbs's should be increased to $1,500.

Hon. Mr. CLEMOW—It is a great pity that the committee did not deal generously in the matter of salaries. I was a member of that committee but was not present. If I had been there, I should have endeavoured to have this vexed question of salaries of employees settled once and for ever.

Hon. Mr. POWER—We have settled it once and for ever about fifty times, and further, the Committee on Contingencies passed a resolution, which was adopted by the House, to the effect that any application for an increase of salary would be regarded as a resignation.

Hon. Mr. CLEMOW—That may be true enough, but the hon. gentleman admits that next year he is willing to enter into the matter and consider it. That shows that he believes there is some inequality or some difference which should be recognized, and remedied, and the sooner it is done the better. We should go to work as commercial men and establish a basis and let the officers know what they may expect, and there will be no difficulty. It is a very unpleasant matter, and we do not wish to cast a slur on one man or another. Some men may receive more than you think they are worth, but that is part of the system. It is also true that you might get men at the present time to perform the duties for a much less sum, but that is not the way to look at the matter. You should say the limit shall be $1,400 or $1,500 or whatever it may be, and keep it there. With respect to this increase of $100, the committee should be able to judge whether this man is worth $100 additional salary or not, and when they arrive at a certain limit it should rest there, and there should be no further increase of any kind whatever. That would be the businesslike way of doing it, and you would save yourselves trouble and relieve yourselves of this difficult task of contrasting one man's duties with those of others each year. With reference to the question raised by the hon. gentleman from Toronto, there is a good deal of force in it. I do not wish to say one disparaging word of the Serjeant-at-Arms. He is worthy of the position and able to carry out the duties imposed on him, but there is no question that the Usher of the Black Rod is constantly on the premises.

Hon. Mr. POWER—I have to rise to a question of order. The question is the amendment of the hon. gentleman from British Columbia.

Hon. Mr. CLEMOW—You say eight messengers are employed now, but we are going to reduce it to five. There is no business about that. You should fix the number. I may say that I propose to move an amendment after the present one is voted on.

Hon. Mr. KAULBACH—It would be quite impossible to fix a salary which would stand. We could not name a fixed salary which would not be open to alteration or amendment at any session of the House. That has been tried and been violated. We know that sometimes we cannot resist the importunities of our employees. With regard to our postmaster, I shall have to support this motion, because I believe we have not a better or more efficient officer or one more desirous of doing all he can for the accommodation of members. Still, it might be as well to leave it over for another session. I do not approve of comparisons between officers of this House and officers of the other Chamber. The hon. gentleman from Victoria says the postmaster comes here at 6 o'clock in the morning and remains till 8 at night. The hon. gentleman is in error in that statement, because I know the postmaster is not here at six o'clock.

Hon. Mr. DEVER—I do not rise to oppose any recommendation in this report. I have no enemies about this House nor have I any favourites; but I cannot help saying, from my observation of the results of the actions of the Contingency Committee for many years that I have been here, that it is not satisfactory to me. I find that a large percentage of the business done on that committee has been the result of favouritism. I do not refer to the present committee, but I have known of favouritism in the past. Those who carried the most influence in that committee invariably got such salaries and advantages for their friends as caused dissatisfaction to others. I know of one case where an application was made for a junior clerk. The father of the clerk was satisfied and arranged to take $1.50 a day during the session. I happened to be attending that committee at the time, and was aware that both the father and the clerk were well pleased with the salary, and it was said it was a very handsome thing. The boy was only here on his vacation, but when the session came to be wound up and it was a very long one—I was present in the committee and by some means or other, instead of paying that lad $1.50 it was ordered that he should get $3 a day, which was paid to him. That appeared to me a very bad system of doing business, and although I do not oppose any recommendation in this report, I think that we should have some uniform system by which justice should be done to everybody and no favouritism should be shown to some at the expense of others. I shall support

the amendment because I think the case of our postmaster should be considered as well as the cases of others if salaries are to be dealt with, and I do not think the argument of the hon. gentleman from Halifax is a good one that this is only a partial and temporary revision of salaries. If there is to be any revision at all, it is the duty of the committee to make it general. I would like to ask who was the party who controlled and directed the messengers about this Senate since I came here? I am not aware that there was ever any fault found with the man who controlled them, and do I understand that there is a division of the power of controlling them now.

Hon. Mr. ANGERS—The head messenger was supposed to have control, but it was found necessary to give him more authority.

Hon. Mr. DEVER—Is he going to have more authority?

Hon. Mr. ANGERS—No.

Hon. Mr. POWER—I think the hon. gentleman is quite out of order in referring to this.

Hon. Mr. DEVER—I never found any fault with the housekeeper and always found him obliging. I always found him a well-disposed and honest man and I do not think we should appoint any one over him without just cause. I have no fault to find with the recommendation, because our Serjeant-at-Arms is a very proper person and entitled to due respect in the matter, but I do not like the idea of giving any preference. I know from my observation of the way these matters have been conducted that these alterations were not on a uniform basis, but through the power and influence of influential members, and it would give me the most complete satisfaction if a uniform system, such as was suggested by the late lamented Mr. Abbott, could be carried out.

Hon. Mr. PERLEY—I am a member of the committee who dealt with these salaries, and I must say that I concur in the report. Hon. gentlemen speak about having these appointments made on business principles, with some fixed rule. I do not hesitate to say that in my opinion, if the Bank of England did their business on the principles we follow here, they would break in six months. I am willing to pay these men good salaries, but nearly every one of them gets more than he would in any other business. That is the great fault of the country to-day. We are complaining of hard times and yet we pay our officials twice the amount they could earn at anything else. I am here to do the business of the country as I think it should be done, regardless of fear and favour. Since that report was made the postmaster has not smiled at me, and I want to tell the postmaster or any other official of the House that I shall vote regardless of him or any other person. I voted against that salary being increased. I think it quite enough. It is as much as any Senator in this House gets. He can go home when the session is over the same as I do.

Hon. Mr. POIRIER—He cannot do that.

Hon. Mr. PERLEY—He has the doorkeeper who can do the work for him for $40 for the recess, as he did before.

Hon. Mr. McINNES (B.C.)—I did not say he hired him for that.

Hon. Mr. PERLEY—Well he did. He has been in the habit of going to Quebec to reside and returning here in time to perform his duties during the session. I have no fault to find with the way he performs his duties, but we are the custodians of the public money. It is not our duty to increase salaries because men want to have them increased. The other increases are proper to be made. The officials are competent men; it took years of study and scholarship to qualify them for the duties they performed, and they do their work in a manner that is creditable to the country. It is nothing but right that those men should have an increased salary; they could earn the same money if they were pursuing their calling outside. But what special qualification is required for the postmaster? Any common man can fill that position. He has not had to go through college; he does not require a superior education, and you are giving him for three or four months as much salary as you would give a man who has a college education. I want to do what is right, and I want to do it above board, but I think when we are paying this man $1,300 for the duties he performs we are paying him

enough, and I think that we could get half the men to do the work as well as it is done for half the pay they are getting to-day. These messengers are getting $2.50 a day, and it is too much, more than they can earn at any other business. Public money should be dealt with as honestly and fairly as any other money, and I have no hesitation in saying that if any commercial institution in this country would undertake to do business as we do it, they would undoubtedly fail. The salaries we are paying are too much.

It being six o'clock, the Speaker left the Chair.

## After Recess.

Hon. Mr. PERLEY resumed his speech. He said: When the House rose I was speaking about the proposed increases of salary. I might say that whilst the duty, to some extent, is a disagreeable one to me of finding fault with, or opposing an increase of salary to any official, I nevertheless feel that it is my duty, and I have always made it a point, ever since I have been made a member of Parliament, to give such votes as I believe to be in the interest of the country and do that which I thought was just and right. That is the principle which actuates me on this occasion. I could not justify myself in going back to the people if I voted for an increase of salary to this officer. In fact if the question of salaries came up again, I would not feel myself justified in voting for the salaries that some others get, because I think it is out of proportion to what they should receive. I could take you down to the post office in this city and find you competent and well trained men, who have passed the civil service examination, who work the whole year round for $800. Yet we give a man $1,300 for working three or four months in the year; there is no equality in the business. This Senate is no place to give exorbitant prices for anything that is to be performed for us. Everything should be conducted on business principles here as well as elsewhere. In my own town, and on all the line of railway from the eastern border of Manitoba to the western boundary of the territories, every postmaster gets only $400 or $500 per year, and he has to keep his office from morning to night the year round. Take a case in my own district. The postmaster in my own town, who does nothing else but attend to the post office and furnishes the post office himself, gets $400 per year. He is not only postmaster, but he has the management of the post office savings bank and money order office.

Hon. Mr. McINNES (B.C.)—Has he any other occupation?

Hon. Mr. PERLEY—No.

Hon. Mr. McINNES (B.C.)—Does he keep store?

Hon. Mr. PERLEY—No. I have had the greatest difficulty in inducing the Minister of Agriculture to get a young man at $40 a month to work all day long all the year round. I find it is with great difficulty that I can get any man's salary raised higher than $40 or $50 per month for doing a whole year's work. I say there is no equality in it, and I do not think hon. gentlemen who vote for this increase would do it if they had to pay the bill out of their own pockets. The amount is exorbitant—it is beyond what is right and what hon. members would do themselves in the management of their own affairs. I do not think it is right for us to handle the public money in any different spirit from the way we would handle our own money. I have no fault to find with the officers for the manner in which they discharge their duties, but however well they may discharge them the ratas which we are paying are in excess of what they are entitled to receive, and I do not think the country would justify us in making the increase that is proposed. Therefore, I shall be justified in voting against the amendment. I believe the report is a fair and just one. The committee have taken a great deal of trouble and exercised a great deal of care in making these recommendations. It would be improper to send back the report to them. On another occasion, when a report was presented recommending that a certain bill pass, I voted against the bill, but I also voted against sending the report back to the committee. I believe that after a committee exercises proper care in making a report, it is not right to send that report back to them. Therefore I feel justified in voting against the amendment, in the first place, because I do not want the report to go back to the committee, and in the next place because it

is proposed to increase the salary of an official who already receives sufficient remuneration. If I voted for an increase of salary in that case I would fail in discharging my duty to the public.

The Senate divided on the amendment, which was adopted by the following vote :

CONTENTS :

The Honourable Messieurs

| | |
|---|---|
| Almon, | McCallum, |
| Angers, | McInnes (Victoria), |
| Armand, | McLaren, |
| Bellerose, | McMillan, |
| Bernier, | Macdonald (P.E.I.), |
| Bolduc, | Merner, |
| Boucherville, de | O'Donohoe, |
| Casgrain, | Primrose, |
| DeBlois, | Robitaille, |
| Dever, | Ross (Speaker), |
| Dobson, | Sullivan, |
| Guévremont, | Thibaudeau, |
| Kaulbach, | Wark.—27. |
| Landry, | |

NON-CONTENTS :

The Honourable Messieurs

| | |
|---|---|
| Lougheed, | Perley, |
| McClelan, | Power, |
| McKay, | Read (Quinté).—6. |

## INTEREST ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (139) " An Act further to amend the Revised Statutes respecting Interest."

(In the Committee.)

On the 4th clause,

Hon. Mr. POWER—I have some doubt as to whether we have the right to pass this clause. We have a right to say that a judgment shall bear interest, but I do not think we have a right to say that " every judgment, decree, rule or order of any court whatsoever in any civil proceeding, etc." shall have the effect of a judgment under this Act. That is a matter for the court. I have grave doubts as to our right to prescribe that. It is for the court to say whether the rule, order or decree, shall have the effect of a judgment.

Hon. Mr. ANGERS—I think this clause is within our power and is a consequence of the second clause. It simply enacts that every judgment, decree, rule or order shall mean a judgment under the sense of the second clause, which says that every judgment shall bear interest at the rate of six per cent per annum. It means no more than this—to define what a judgment is. Of course if it is in a criminal court, if it is a punishment it can only apply to a sum of money and it stipulates that if it is a sum of money interest shall bear the date of the decree.

The clause was adopted.

Hon. Mr. SULLIVAN, from the committee, reported the bill without amendments.

The bill was then read the third time and passed.

## CONSOLIDATED REVENUE AND AUDIT ACT AMENDENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (127) "An Act to amend the Consolidated Revenue and Audit Act."

(In the Committee.)

On the first clause,

Hon. Mr. POWER—I think the time is too short. It might be that a plaintiff would not get the information on which to base his case until after six months from the time the offence was committed. It would be a denial of justice in many cases to make the time so short. I think a year ought to be the shortest.

Hon. Mr. ANGERS—As the new law now stands, with regard to the customs, the time may be even shorter than that. I think six months is ample. How can a man receive such a serious injury and not know it for six months? I think six months is a reasonable limitation.

The clause was adopted.

On subsection 6 clause 1,

Hon. Mr. POWER—The subsection which we have just adopted provides that if a defendant succeed in his defence he shall get all his costs. That is reasonable, and it provides that although a verdict is given for the plaintiff in any such action, such plaintiff shall not be entitled to more than 20 cents damages. I think that is going quite far enough in favour of the defendant, but this sub-clause says :

If on any information or suit on account of any seizure made by any such officer or person judgment

is given for the claimant and the court or judge certifies that there was a probable cause for the seizure the claimant shall not be entitled to costs and the person who made the seizure shall not be liable to any indictment, prosecution or suit on account thereof.

It seems rather hard, if he gets a verdict of the jury, that he cannot get costs.

Hon. Mr. ANGERS—I think it is in the public interest that an officer, who does not exceed his duties should not be punished. If a person acts in a way to draw suspicion on him he should not recover and should not be allowed any advantage. The clause is framed in the public interest. It is for the execution of laws which a great number of people try to evade with a view to defrauding the public treasury. When a man deals openly and fairly, in the ordinary course of trade and business, he is not liable to suspicion. But if a man, on the contrary, departs from the ordinary rule of business and acts in such a way as to draw suspicion on him, he should not get any protection.

Hon. Mr. POWER—Remember we are not dealing with the Customs Act now. We have all sorts of provisions in the Customs Act to protect officers of the customs in the discharge of their duty. This is a general provision with respect to all officers who may be connected with the revenue. Everybody knows that in connection with the collection of the revenue the officer who informs is entitled to a share of the fine imposed upon a person who transgresses the law. These officers have already quite sufficient inducement to be suspicious of people and inform on them and have men accused of violating the revenue law, without promising them, in addition to that, immunity from any penalty whatever if they happen to be mistaken. If it turns out on the trial that the merchant whose goods have been seized was perfectly innocent, and if he succeeds in his action against the revenue officer, why should you provide that if a judge certifies there was probable cause —and the officer would make it appear that there was some probable cause—the officer shall not even pay the costs. It is known by every one who has had anything to do with our revenue laws, that the law is more like something we might expect in Russia than in a free country, and I do not think we should extend the provisions of that law any further than they extend at the present time. The hon. gentleman may say that it is in the public interest, but I do not think it is. As it is now, men who are carrying on the honest business of the country, the importers, are dealt with as though they were one and all men who were doing their best to defraud the revenue in every way, and these officers who are on the *qui vive* to make seizures are not deserving of such very tender consideration.

Hon. Mr. LOUGHEED—There is much to be said in favour of what the hon. gentleman from Halifax has said in reference to the imposition of penalties under the customs laws. I am thoroughly in accord with what he says with regard to the undesirability of this particular section. It appears to me the court is ousted from exercising the usual discretion which it can exercise in regard to costs, and arbitrary limits are drawn in this particular case by which the claimant is absolutely prohibited from obtaining costs in the event of his success, provided the court expresses itself that there was probable cause. The difficulty I see in the way is that there is no definition as to what constitutes probable cause.

Hon. Mr. ANGERS—That is left to the court.

Hon. Mr. LOUGHEED—My hon. friend may submit to the House that it is not so much a question of a law as what the court itself may determine to be probable cause. Let me, in order to demonstrate my point, cite an illustration; for instance, a customs officer is informed by a third party that the claimant has been responsible for some contravention of the Customs Act. Now, the claimant would be in no way responsible for what the third party might have informed the customs officer, and yet the court might be bound to come to the conclusion that the customs officer was justified in acting upon the information given by a third party, although he made no investigation into the alleged contravention of the Act, except obtaining the information from the third party. Under such circumstances as these, is the claiment to be damnified to the extent of conducting a very expensive class of litigation against a servant of the Crown by reason of the information given to the customs officer by the third party and not recover his costs in the case? Why should the ser-

vant of the Crown be placed in a better position, under such circumstances as these than any private individual in the community? My observation and experience is this, in regard to the phraseology of most of those Customs Acts and the imposition of penalties, that they are usually drawn out from a departmental standpoint. The interests of the public are seldom considered, but they having been drawn from a departmental standpoint, and are made to operate as severely as they possibly can upon the general public. I therefore think that, in reference to this particular clause, that there should be some qualification inserted, and I would suggest to my hon. friend who is leading the House on this occasion, that in the second line on page 1, that the probable cause should be one emanating from or for which the claimant himself is responsible. I can very well appreciate the desirability of putting this provision in, should the claimant himself be responsible for the probable cause which has arisen which has led to the seizure. But if the claimant himself is not responsible in the matter, if he has nothing to do with the probable cause which has arisen in the mind of the customs officer, then why should the claimant be damnified to the extent I have mentioned? I therefore suggest to the hon. member that he should limit it to that, by inserting after "probable cause" the words "for which the claimant is responsible."

Hon. Mr. ANGERS—I believe the answer to the objection made by the hon. gentleman from Calgary is easily found. He assumes that the judge would hold there was probable cause when a customs officer would be informed by a third party, and thereupon make a seizure. I do not know any judge who would hold that to be probable cause, and it is always held that if you take for granted the information given to you by a third party to be correct, and it turns out to be untrue and unreliable, that it is not probable cause. The courts have always held that you are bound to verify for yourself, just in the same way that the hon. gentleman wishes to have it defined in the law; and every decision upon what is a probable cause goes that far, that you have to verify, and if you fail in proving the truth of an allegation received from a third party that you cannot invoke the advantage of probable cause. Now, the hon. gentleman cited one instance of information being received by a third party. He would like the law to say that that is not probable cause, but there are many other instances that no one can foresee to-day which may be looked upon as probable cause by the court, and it is left to the discretion and the judgment of the court in every instance. There are many cases where the law provides that when a party acts with probable cause he shall not be held responsible, and that under such circumstances he is not liable to damages or to costs. I think it is safer, and it has a larger scope, to leave it to the discretion of the court, to men trained in appreciating the circumstances and the facts and the law of such a case, than to try and define it in the Act.

Hon. Mr. LOUGHEED—I should like to ask why has there been omitted from this bill the phraseology common to all such bills, namely, "reasonable and probable cause." That is a term which is understood in law, but my hon. friend apparently has omitted the first part of that term, on which there are many authorities, and has inserted here a term entirely new.

Hon. Mr. ANGERS—Probable cause is not a term which is new; it is not accompanied by the word "reasonable," but the omission of one does not lessen the other a bit. When a thing is reasonable it gives you a probable cause.

Hon. Mr. LOUGHEED—Not at all.

Hon. Mr. ANGERS—When there is a probable cause you are relieved from responsibility to a certain extent in cases like the present, when the public interest requires that you should be freed from responsibility in damages. Now, it is said that the customs laws deal with traders in an unjust way. Well, I cannot admit that. True they are rigorous laws, but they are the same all over the world. They are not more lenient in England, or France, or Germany, or anywhere else.

Hon. Mr. POWER—They are not as rigorous in England.

Hon. Mr. DEVER—Two wrongs do not make a right.

Hon. Mr. ANGERS—There is no difference between the rigour of the Canadian Statute of Customs and the English Statute.

Hon. Mr. POWER—Oh, yes.

Hon. Mr. ANGERS—The presumptions are just the same as they are in England.

Hon. Mr. POWER—You borrow from the United States.

Hon. Mr. ANGERS—The hon. gentleman should not reproach us with that ; his party give us so many examples to copy from the States.

Hon. Mr. POWER—I never do.

Hon. Mr. ANGERS—His friends in the country propose that we should copy more from the States and especially as to tariff and customs.

Hon. Mr. POWER—Your tariff is copied from the United States much more than from England.

Hon. Mr. ANGERS—No, because the United States have been enabled to make a tariff so far. We are three months ahead of them. Will they have a tariff this year ? I doubt it.

Hon. Mr. POWER—I do not think the success of the hon. gentleman's own Government tariff revision this session would justify him in throwing stones at any other Government.

Hon. Mr. ANGERS—I appreciate the thing very differently, and the members of the House appreciate it differently, and I suppose before two years the public will appreciate it still more. The tariff has been framed on very good, sound principles, to meet the exigencies of the present, according to the wish and opinion of the public. It will bring relief in many cases, and it will create no injustice anywhere. As to the delay, it has taken a few months to do it, but it was not the Government that took all the time ; it was the Opposition who occupied the time, before they could take in the tariff. However, I think this bill might remain as it is. I think the words "probable cause" include reasonable cause.

Hon. Mr. POWER—In order to make assurance doubly sure, would it not be better to put in the other ?

Hon. Mr. ANGERS—The hon. gentleman has been complaining of a frivolous amendment made by the House of Commons, and this would be an amendment of the same nature.

Hon. Mr. DEVER—I do not often agree with the hon. gentleman from Halifax in his views, but I do agree with him now wholly with reference to the customs laws in existence in the Dominion of Canada at the present time. I do not think there can be any more unjust and arbitrary law in the world. I will mention an instance that will satisfy you I am right in my assertion. A short time ago an acquaintance of mine commenced to conduct the business of a merchant who had died ; he succeeded to that business, and he had a credit advanced to him of from $10,000 to $15,000. The goods he was dealing in were in a warehouse. He was in the habit of paying from $100 to $500 of duties per day into the Customs Department. He had ceased to be well ; he was his checker and bank clerk himself, and if he happened to be away or unwell, goods had to be borrowed out of the warehouse for that day. There is a warehouse keeper or locker who stands at the warehouse doors. It is his business to see that no goods shall go out until the duty is paid. I think the merchant has to contribute to that man's salary some $40 a year ; consequently he is partly that man's servant or officer just as well as he is the servant of the Government. At all events, this merchant was absent for two days. Some goods had been taken out of the warehouse, with the knowledge of the locker, on which there would be $500 duties. Certain of the customs house officers are very vigilant at present because they get a share of the seizure, and it would appear that a certain officer had gone to the warehouse and found the deficiency of goods. He reported the circumstances to his superior officer, and got orders to have the duties paid or a seizure would be made. At the time there were some $10,000 or $15,000 worth of goods in the warehouse. All the officer had to do was to intimate to the gentleman that the duties must be paid before 10 o'clock on the following morning or else no goods could

come out, and there was no danger of loss, because there were $10,000 or $12,000 worth of goods in the warehouse, and everything would go on well, because there was nothing to be done but to pay the duty.

Hon. Mr. MACDONALD (Victoria)—But the locker was wrong.

Hon. Mr. DEVER—I think the man who said we were living under laws as bad as Russia was perfectly right. That man was commencing business in the world; his credit was ruined. Though the man paid the duties next day, $500, it went round town that he was robbing the warehouse, and his creditors came down on him and made a bankrupt of him and he was fined $600. I am here at Ottawa for the purpose of getting it back, and I have wasted my time for two months, and have got none of it back yet. They got $600 fine and $500 duties, and he is a ruined man to-day. That is a bad state of affairs in this country. In order that a customs officer may get a portion of a fine, a merchant must be ruined without redress. It is costing him more than the fine to look for redress, but from principle he is most anxious to justify himself, to get back at any rate what he conceives he did not owe, and that is the fine. I have not got it back yet.

Hon. Mr. MACDONALD (Victoria)—What became of the locker?

Hon. Mr. DEVER—He was dismissed, or removed. There is an incentive given to an official to get a share of that $600, or perhaps the whole of it; and there was no injustice could be done to the country or the Government. No duty could be lost.

Hon. Mr. ANGERS—No, because they were found out.

Hon. Mr. DEVER—But there was the warehouse. There is the position, and I ask if that is not enough to make men curse their country. No man who has been treated so unjustly could love his country.

Hon. Mr. ANGERS—There is no man in that position that would try it again; that is evident. The whole case lies here; if the hon. member's friend had not infringed the law, he would not have been fined, and if he had paid on the day he should have paid, he would not have been called to pay the next day, and there would have been no seizure upon him. It is not the fault of the law, but it is the fault of the party who infringed the law.

Hon. Mr. KAULBACH—I do not think we can be too stringent in our customs laws. There is an effort to evade the law in our country, and unless you are stringent the law will be a dead letter. It is not a question of law; it is a question of fact for the judge who tries the case, whether there is probable cause for him making the seizure; and if the facts sustain the charge to the satisfaction of the court, I cannot see where the injustice comes in. Our customs officials are timid about doing their work, and there is a laxity in the district where I reside in having the laws executed in the proper way. I think we should make the law as rigorous as it can be.

The subclause was agreed to.

Hon. Mr. READ (Quinté), from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## SEIGNIORY OF SAULT ST. LOUIS BILL.

### THIRD READING.

The House resolved itself into Committee of the Whole on Bill (97) "An Act respecting the Seigniory of Sault St. Louis."

Hon. Mr. DEBLOIS, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## NOVA SCOTIA STEEL CO'S BILL.

### SECOND READING.

Hon. Mr. McKAY moved the second reading of Bill (131) "An Act to incorporate the Nova Scotia Steel Company, Limited." He said: The object of this bill is to amalgamate two corporations now working under letters patent in the province of Nova Scotia.

The motion was agreed to and the bill was read the second time.

## BILLS INTRODUCED.

Bill (151) "An Act respecting the Common School Fund."—(Mr. Angers.)

Bill (151) "An Act respecting certain subsidies granted to the Government of the province of Quebec by chapter 8 of the statutes of 1884."—(Mr. Angers.)

The Senate adjourned at 9.07 p.m.

## THE SENATE.

*Ottawa, Thursday, July 5th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (99) "An Act respecting the St. Lawrence Insurance Company."—(Mr. Ogilvie.)

Bill (79) "An Act respecting the St. Catharines and Niagara Central Railway Company."—(Mr. McCallum.)

## OTTAWA AND GATINEAU RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (72) "An Act to consolidate and amend certain Acts relating to the Ottawa and Gatineau Valley Railway Company, and to change the name of the company to the Ottawa and Gatineau Railway Company," with an amendment. He said: The object of the amendment is this: by section 1, chap. 56 of the statutes of 1893, the Pontiac and Pacific Junction Railway Company was authorized to construct a bridge over the Ottawa River at or near the city of Ottawa. The work was to be commenced by the 9th July, 1894. That was the date in the bill as introduced, and it was supposed that the royal assent would be given before that date, but this bill cannot become law until after that date, and as the contract between the Ottawa and Gatineau Railway Company and the Pontiac and Pacific Junction Railway Company provides for the construction of a bridge, it is necessary to extend the time, as is done by this amendment, not only for that purpose, but also to prevent the Pontiac Pacific Junction Railway's rights from lapsing.

Hon. Mr. CLEMOW moved that the amendment be concurred in.

The motion was agreed to, and the bill was read the third time and passed.

## THE FRENCH TREATY.

INQUIRY.

Hon. Mr. BOULTON rose to

Call attention to the provisions of the treaty with France now before Parliament for ratification, and ask the Government whether in their opinion the ratification of the said treaty would not preclude the granting any advantages in respect of trade to any of our sister colonies unless the same advantages were granted to France and to all other countries with whom we have most favoured nation treatment?

He said: I gave notice of this question on Tuesday last, and it is worth while to draw public attention to the fact that the question has practically been answered from the British House of Commons as appears by a cable published in to-day's paper. It shows the intimate relations which already exists between the various parts of this Empire and which space cannot obliterate that the utterances which go forth from the Parliament of Canada can find a ready reply on the other side of the Atlantic, in the British House of Commons, within two days. The cable to which I refer is as follows:—

London, July 4.—Sir Wm. Vernon Harcourt made the statement, in the debate on the estate duties, that it had never been conceded, in connection with the "most-favoured nation" treatment in commercial treaties, that the colonies were included in the words "other nation or other country." If true this is most important, in view of the Ottawa Conference, as showing the power of all parts of the Empire to make what internal commercial plans they choose without reference to foreign nations.

That is a practical reply, or perhaps I might more correctly say, a partial reply to the question of which I have given notice to the Government, namely—whether, in their opinion, the ratification of the said treaty would not preclude the granting of any advantages in respect of trade to any of our sister colonies. Of course that does not answer the question fully, that has reference to the most-favoured nations clause in the treaties that Great Britain has with foreign nations in which Canada is associated, and the point that I wished to make was, whether the most-favoured nations clause as applied to all those countries would carry with it the most-favoured nations treatment that we were giving to France under the present treaty. If it does, of course it opens up a much larger question than the subject of the treaty itself. I will admit the subject of the treaty is not as yet before the House, but we know and presume that it is going to be brought before us in consequence of the bill that we find on our desks, which is a bill prepared for the ratification of the treaty.

Parliament is going to prorogue probably next week, and we will be called upon to

discuss this treaty in all its bearing before then, and the object that I have in bringing forward this question is that we may ascertain exactly what are all the conditions and what is the basis upon which we are asked to give our votes in support of the passage of this treaty. We are one and all proud to say that there is sitting here in Ottawa, to-day a conference which has met for the purpose of devising ways and means by which the unity of all the colonies with Great Britain can be consummated in a manner that is satisfactory to one another and that is capable of extending that valuable and powerful influence which the British constitution has been enabled to extend to all parts of the world. There is a possibility that very great and valuable results may spring out from this conference, which is the commencement probably of a series of conferences, which may lead to more extended trade relations and more extended benefits which we as Canadians may enjoy as part of the great whole which extends over the whole world. Great Britain as a free trade country has always acted upon the principle —at least since 1846, when she abandoned protection—that all she required was a fair field and no favour. She did not ask for any favours from foreign nations ; she did not ask for any reciprocity treaty from foreign nations ; she merely wished to have it understood that in her trade relations with the rest of the world other foreign nations would not give discriminatory benefit to her commercial rivals as against her industrial population. In that spirit she has always sought to negotiate what is called most-favoured nation treaties, that is to say in consideration for certain concessions or advantages, or possibly merely for an interchange of that civility, she has merely asked that that nation will enter into no negotiations with other countries that will discriminate against her industrial population in their trade. In consideration of those most-favoured nation treaties she has allowed her markets to remain open without any fear or favour, to foreign nations, and further any country that came under a British protectorate or was annexed by Great Britain or was part of the British Empire she asked no advantages from which were not fully accorded other nations. The result of that policy has been remarkable as everybody knows in the growth of her trade, the accumulation of wealth in her centres and the advantage of all concerned. However, it is not the trade question that I wish to impose upon the attention of the House at the present moment. It is how far the treaty that we are now called upon to discuss affects most-favoured nation treaties and affects one of the questions that the conference that is now met in Ottawa is called upon to deal with, and that is trade relations among ourselves as component parts of the British Empire. Sir Vernon Harcourt has told us in those words that appear to have come over the cable that where most-favoured nation treaties are spoken of the word nation does not divide up Canada and the Colonies from one another, or from Great Britain, that it does not interfere with a perfect intercommunication between one another for trade relations so far as most-favoured nation clauses are concerned, but there are two clauses as honourable gentlemen know in the treaties of the Zollverein and Belgium which specify particularly the colonies and British possessions as separate from England ; that is to say, that any benefits that Canada or Australia may give to one another or give to Great Britain, shall accrue to Belgium and the Zollverein upon the same basis, and in consequence of those two treaties all the nations with whom we have most-favoured nation treaties enjoy whatever benefits accrue to Belgium and the Zollverein under those two treaties. In consequence of that it has been the policy of the Canadian Government to memorialize the British Government to denounce those two clauses, or those clauses in those two treaties that affect the power of the colonies and Great Britain to deal with one another, as the colonies and states of other nations and other empires in this world are permitted to deal with one another and by the denouncement of those two clauses in these treaties the most-favoured nation's treatment may be confined merely to the operation of the nations in which Great Britain and the colonies are treated as one nation. That, I think, is the position in which the matter stands.

Hon. Mr. MACINNES (Burlington)—I think these favoured nation treaties would not affect any arrangement as between the colonies themselves. The colonies themselves under the law could make treaties as between themselves.

Hon. Mr. BOULTON—I will read the clauses in order that we may see whether

you are right. It is quite possible that what you have said is correct. The treaty with Belgium says :

The produce or manufacture of Belgium shall not be subject in the British colonies to other or higher duties than those which are or may be imposed upon similar articles of British origin.

Hon. Mr. MACINNES (Burlington)—That is not the point : the point is as between the colonies.

Hon. Mr. BOULTON—This is the treaty with the Zollverein :

The stipulation of the preceding articles shall also be applied to the Zollverein and foreign possessions of Her Britannic Majesty in those colonies and possessions, the produce of the states of the Zollverein shall not be subject to any other or higher duties than the produce of Great Britain or Ireland or any other country of like kind, nor shall the exportation from those colonies or possessions to the Zollverein be subject to any higher or other duties than the exportation to the United Kingdom of Great Britain and Ireland.

Hon. Mr. MACINNES (Burlington)—That does not cover the case of the colonies.

Hon. Mr. BOULTON—I see the point you are desiring to make, but when the Canadian Parliament memorialized the British Government to denounce those two treaties, it was with the view I have just expressed. It was outside our power to make any commercial arrangement between Great Britain and Canada, and also, I suppose, between Canada and Australia.

Hon. Mr. SCOTT—Article 3 will explain the point.

Hon. Mr. MACINNES (Burlington)—That is between Great Britain and the colonies, but not as between the colonies themselves.

Hon. Mr. BOULTON—That is a nice point, and I am not able to discriminate but still it is a point well taken. The point I wish to make with regard to this treaty is that while it has been the policy of the Canadian Government to ask for the denouncing of the clauses in those two treaties which will produce as we imagine that effect, that we are now entering into a treaty with France which will perpetuate the same result and practically the same effect as the two treaties with the Zollverein and Belgium. The treaty with France which we are now negotiating gives certain preferential arrangements with France mentioned in the treaty. We have most-favoured nation treaties with the following nations negotiated by Great Britain in which we are included : Argentine Republic, Austria Corea, and Hungary, Belgium, Bolivia, Chili, Costa Rica, Denmark, Egypt, Germany, Madagascar, Mexico, Montenegro, Morocco, Persia, Russia, Sandwich Islands, Siam, Norway and Sweden, Tunis, Uruguay, Venezuela and Zanzibar. England has favoured-nations treaties with a large number of other nations, but Canada is only included in those I have mentioned, some 31 in number. We have entered into most-favoured nations treaties with the nations I have mentioned here and any concession that we give to France now in our markets carries also with it, of course, the imposition or benefit of most-favoured nation treatment with all those nations. We have to give most-favoured nations treatment to all those nations to the extent that we are now giving it to France. That is the condition that I think the treaty places us in, and that is the condition that we have to consider in discussing the treaty. Now, so far as our trade relations with Australia are concerned, or with other colonies of the British Empire, we are not affected I will admit, so far as most-favoured nation treatment is concerned. It still leaves us perfectly free to trade with Australia or the Cape of Good Hope or New Zealand or any other colony so far as this treaty is concerned, but we cannot offer to Australia or the rest of the colonies any better conditions than are contained in the treaty with France, unless we leave our markets absolutely free to them. The chief articles that France has obtained concessions in are light wines, champagne, and one or two articles of that kind. Now, one of the largest agricultural products of Australia is wine. The largest agricultural product of France is wine. Australia has a climate which produces exactly the same result as France. We cannot enter into any arrangement that will give better rates than we give to France, unless you lower the duties to almost nothing. And, if a revenue should be raised out of anything, it should be raised out of luxuries. I quite appreciate the value of providing light wines and bringing them within the reach of all, and encouraging the taste in preference to stronger liquors, but still they must be treated as luxuries, and duties imposed for

the purpose of getting the largest revenue from them. It is no benefit to Australia to compete in Canada with France, and all the other nations who produce the same products and are admitted on the same terms under most-favoured nation treaties; it is no better for Australia. They would be in no better position when we negotiated with them than they are to-day. They have now the same opportunities and advantages as other nations in the Canadian market, and the fact of lowering our duties does not improve the position of Australia so far as competing in our market is concerned. That is one effect the treaty is having on our interests so far as they are affected by any intercolonial arrangement we might desire to make, that whatever benefit we give to France, under this treaty, we are extending to every one of these nations that I have mentioned here, and we can offer very little better advantages to Australia than contained in the treaty with France. Therefore, we are to a certain extent reversing our policy that we enunciated three years ago when we memorialized the British Government to denounce the treaty of Zollverein and Belgium in order that we might have the benefit of entering into whatever arrangement we choose with the colonies themselves in the British Empire—that is if we pass the French treaty. It is a study of the question that caused me to bring this matter up at the present moment in order that we might understand what the effect of the treaty might be on the interests of Canada before it is brought into this House, perhaps at the last stages of the session. I might say with regard to the most-favoured nation treatment that has been accorded to Belgium and Zollverein that no doubt Great Britain has a considerable amount of hesitancy in interfering with those treaties. England's policy is a free trade policy, a fair field and no favour asked from anybody. Her foreign trade amounts to $3,700,000,000 a year, the largest foreign trade of any nation in the world. That foreign trade has been fostered and grown into those dimensions under the most-favoured nation clauses of the various treaties she has negotiated. It is very hard for us to ask England against her will to denounce those treaties with Belgium and the Zollverein if it is going to interfere materially with that enormous trade. We must all realize that the value of Great Britain as a purchasing power for our produce is an exceedingly valuable one and anything that would interfere with the purchasing power of the British market interferes with the general prosperity of Canada, because we find in England the very largest power of a purchasing market in consequence of the enormous trade which is centred there under her policy of free trade. Therefore and for that reason I say we cannot complain too loudly if she hesitates and hesitates long before she interferes with two treaties that may in her eyes be of such vast importance to her foreign trade. If we were to imitate England under a free trade policy possibly we would view it in the same way, but we had memorialized Great Britain possibly with a view of our entering into arrangements with our sister colonies, and now to-day a treaty is being placed before this Parliament which will undo very much what we were asking Great Britain to do under those two treaties. We are now negotiating a treaty with France which extends the power to all these most-favoured nations. Hon. gentlemen will recollect that we had a most-favoured nation treaty which was negotiated by Great Britain in 1886 which gave Canada the freedom of the markets of Cuba and Porto Rico, very valuable markets, under the most-favoured nation clauses—that is to say, no foreign nation could trade with Cuba, and Porto Rico, and Spain, for that matter, under better terms than was granted to Great Britain and her colonies, but the United States under their McKinley law negotiated a reciprocity treaty, and it was held by Spain and the United States that that reciprocity treatment did not come under the head of the most-favoured nation treatment. Whether that was the case or not, and to put all doubt at an end, Spain denounced the treaty that was negotiated in 1886, and we now have no most-favoured nation treatment in Spain with regard to our commerce. The United States under their reciprocity treaty enjoys what is called a minimum tariff, and we have a tariff which is higher than that of the United States. I believe that some arrangement has been made by which something below the maximum tariff is accorded, but at any rate the United States are competitors for the sale of an extended list of articles which have better advantages in Cuba, and Porto Rico, and Spain, in consequence of the reciprocity treaty, than we in Canada have. I point this out in

order to show the great benefit that does exist in the most-favoured nations treatment, but, of course, if by reciprocity treaties the United States or any other nation can undermine us, it looses a certain amount of its effect. The reciprocity treaties of the United States, however, are now being abrogated, at least so far as they interfere with the tariff which they have just passed. The reason I fancy that they are abrogating these treaties is because foreign nations found that by opening the markets of the United States under reciprocity for sugar and all those articles, they were competing with one another in a restricted market and developing an amount of competition in the United States, and in order to protect their own sugar producers, the United States granted a bounty of 2 cents a pound on sugar, and in order to get rid of that bounty, which is an oppressive tax, Congress is now abrogating their reciprocity treaties within the limits confined to the tariff. With regard to the treaty itself, we are introducing a new principle into the most-favoured nation system under the treaty. As the correspondence shows, the Government differs from Sir Charles Tupper, who negotiated and signed the treaty, so far as the most-favoured nation treatment was concerned. The treaty that has been negotiated and signed gives to France the benefit of the most-favoured nation treatment in Canada upon all commerce that may be developed by Canada ; but France only extends to Canada most-favoured nation treatment in the 20 articles mentioned in the treaty. That is introducing a new principle in the negotiating of treaties, which Canada has entered upon, which I think should be carefully considered and properly guarded before we make it law. If we are going to say to France that we accord them that as a principle on which we are willing to trade, can we refuse it to Spain or any other country with whom we may want to enter into a treaty? We cannot properly refuse it, we have acknowledged it as a principle and we should not refuse it to any other nation. Now, what is the principle which applies at least to the minds of the French Government ? It is a principle which also applies itself to the minds of our neighbours in the United States, that a market of 5,000,000 of people is not nearly so valuable as a market of 38,000,000 of people, or a market of 65,000,000 of people. That is where I think they make a mistake, because, after all, the selling power of 5,000,000 of people is no greater than the purchasing power of 5,000,000 of people. Our purchasing power and our selling power are co-equal and co-existant, and therefore there is an equality of markets, and the market of 65,000,000 of people next us or the 38,000,000 in France is of no greater value to us than our 5,000,000 market is to our neighbours or our treaty friends, because our power to use the larger market is limited to our industrial power to take advantage of it, and any increase of our industrial power redounds to their benefit as a market under the treaty, while any increase in their industrial power only redounds to our benefit in the sale of the twenty articles mentioned in the treaty, that is why I say the purchasing and selling power of the population are about equal, as the trade returns of the world show, except in some cases, notably that of Great Britain which enjoys free trade, where her purchasing power is greater than her selling power. There is no doubt that the lower the taxation you impose at your own borders the greater your purchasing power is going to be, and the lower the taxation you impose on your borders the more economical is the power of production, and therefore, probably, the greater your selling power. But that is apart from the question. The question I am trying to come at at the present moment is the principle that is involved of considering that we must give to France most-favoured nation treatement in the whole of our commerce, because we are only 5,000,000 of people, while France only accords to us most-favoured nation treatment in the twenty articles included in the treaty because she has 38,000,000 of people. There is a difference apparently acknowledged which does not exist, namely, the inequality of the purchasing and selling power. From my standpoint it is exactly equal and therefore, it seems to me, that the treaty should be on equal terms. If we are going to enter into the negotiation of treaties with other nations on the same basis we are going to find ourselves very badly left in competing for commerce under any such conditions. Sir Charles Tupper has told us in his correspondence that the instruction from the Government to him was that there should be most-favoured nation treatment accorded to France in the articles mentioned in her treaty, and most-favoured nation treatment accorded to Canada in the articles mentioned

in our treaty, but the conditions that have been imposed by Sir Charles Tupper, without the authority of the Government I will acknowledge, have created the reverse. The instructions I refer to are contained in the cable of January 12th, 1893, from Hon. Mr. Bowell to Sir Charles Tupper, as follows: "*Re* French negotiations, Government cannot accept conditions involved in clauses regarding steamship subvention and reduction duty French books, but agree to most-favoured nation treatment so far as articles named in treaty are concerned, France has the benefit of most-favoured nation treatment in all Canadian commerce, while we are limited to the 20 articles mentioned in the treaty. That is I think a condition that should not be put in the treaty. That is a condition that would justify parliament in refusing to sanction the treaty in view of the fact that the negotiations that were concluded were concluded in direct opposition to the instructions of the Government. That is contained in the correspondence here given to us by Sir Charles Tupper. He has said that he thought the difference in his correspondence did not amount to very much, and that as the treaty was so far advanced, he thought it was better to negotiate it on those terms. I wish to show exactly the difference between the diplomacy of the British Government which has conducted treaties upon a very large scale—the different ground they take in regard to matters of that kind. In 1886, negotiations were opened for a treaty between Spain and Great Britain. The policy of the British Government was that Spain should accord to the colonies and possessions of Great Britain the same advantages that were accorded to her under the treaty. The British plenipotentiary, Sir Francis Clare Ford, could not induce the Spanish Government to include the colonies in the trade with Cuba and Porto Rica and Sir Clare Ford wrote to the British Government and said:

> We have negotiated a treaty which is the best that is possible to be done and therefore I have thought it better to conclude the treaty upon this basis in order that we may get a ratification.

He did not sign it because the treaty was sent to Great Britain before its signature, but this is the reply that the British Government sent in response to that:

> The instructions which have been given to your predecessor and yourself have placed you in possession of the views which are held in this country with regard to the requirements of British commerce, and have shown the bases on which alone Her Majesty's Government would be enabled to negotiate for the conclusion of a commercial agreement with Spain.
>
> In return for any concession which may be granted to Spain as regards the wine duties, it is necessary that Her Majesty's Government should obtain for British subjects in matters of trade and navigation a treatment in Spain and the Spanish colonies co-extensive both in amount of benefit and in duration with that accorded to France and Germany. * * * * *
>
> These considerations, to which in the interests not merely of the revenue, but also of British trade much weight must be attached, deter Her Majesty's Government from granting your authority to sign the declaration which you have submitted for their sanction. They have, however, arrived at this conclusion with much regret, and they trust that the time is not distant when a more successful effort may be made to obtain the object which they have in view. It is, therefore, the wish of Her Majesty's Government that, in the event of the Spanish Government being willing to pursue them, the negotiations should be continued by you on the wider basis which the foregoing remarks indicate: but having regard to the opinion expressed in your despatch, that, owing to the necessity which would arise of a readjustment of valuations and of a reduction of duties in the Spanish tariff, the present moment is not opportune for negotiating a definite treaty such as the commercial classes of this country would desire, Her Majesty's Government leave to your discretion the particular action which it may be desirable now to take.

That is the position the British Government took when they could not get a treaty in accordance with their pronounced policy. The result was that they withdrew from any action in regard to the treaty and informed their plenipotentiary to that effect. Sir Clare Ford reopened negotiations and negotiated a treaty immediately afterwards with Spain in accordance with the policy of the British Government governing their treaties. When a treaty has been negotiated such as the one under discussion by the High Commissioner, but in opposition to the policy of the Canadian Government, that is, that a partial advantage should be given on one side as opposed to a full advantage on the other,—I say for that reason alone it is desirable that the treaty should be referred back, not in any unfriendly spirit, not to say that we do not wish to increase our trade relations with France, but in order that a treaty may be negotiated upon a fairer and less one-sided basis than appears to have been negotiated in the present instance. There is another point in the treaty that is also worthy the consideration of this House, and that is the expectation on the part of the French

Government that a subsidy of $500,000 a year shall be given to a steamship line in order that direct communications with France may be secured towards the development of this trade. The policy of the Government has been pronounced in the correspondence that they cannot accede to that, but there is in the minds of the French statesmen a feeling that it is a necessity to secure the trade, in fact Sir Charles Tupper assures them in his correspondence that in order to take advantage of the treaty it would be necessary to subsidize a steamer to establish that direct trade. In view of the possibility of that weighing in the minds of the French statesmen, it is not desirable that we should for the sake of the benefits that are likely to be derived from this treaty, commit ourselves in any way to the prospect of having to pay as much as $500,000 a year in order to secure the full benefits of the treaty. Sir Charles Tupper's words in regard to it are included in a letter addressed to Mr. Hanotaux, chief of the customs department of France, with whom he negotiated the treaty.

Since our meeting on the date mentioned, I had occasion to refer to this subject in replying to a very influential deputation which waited upon me to advance the interests of Milford Haven as a point of communication between Canada and England. I inclose a copy of my speech in reply to the deputation in which you will see that I explained to them that Canada attached a great deal of importance to that feature of the project which provided for direct communication with France.

You will also readily perceive that the concession of the minimum tariff on a number of articles which it is proposed to give Canada will be practically of no value unless direct communication between the two countries be provided, as the surtaxe d'entrepôt would make it impossible for Canada to derive any advantage therefrom.

In the hope that this explanation will be satisfactory to the French Government, and that we may be able to conclude our negotiations upon the basis concurred in by the Government of Canada.

Those are the words of Sir Charles Tupper who negotiated the treaty that it will be of no benefit in many articles to Canada unless the means are provided by Canada to give direct communication between Canada and France. In looking up this question I went to the Library and got the French tariff in order to see what effect the surtaxe d'entrepôt would have. The original products outside of Europe imported through a country of Europe are subjected to a specific surtaxe in table C annexed to the present law. Now I turn to the tables here in order to find out what the surtaxe is. There are a number of articles here. The surtaxe d'entrepôt is a tax imposed by France upon all the articles that pass through another country and find their market in France, which surtaxe is prohibitory in its nature, and therefore we can derive no benefit from a number of the articles mentioned in this treaty unless we provide direct communication. The only article in this specified list of articles which is mentioned specifically is furniture. The duty on that is 30 francs per hundred kilogrammes about 200 lbs., so there would be a surtaxe of 30 francs per two hundred pounds. All other merchandise we send to France under this treaty that does not go direct is subject to a tax of 3 francs and 60 centimes over and above the minimum or maximum tariff. Let us see what the effect of that would be under the tariff. On rough and hewn timber the duty is $1\frac{1}{2}$ and $2\frac{1}{2}$ francs per hundred kilogrammes, that would be reduced to $\frac{3}{4}$ of a franc and a franc and a quarter under the new treaty. Of course, timber is likely to go in by sailing vessels, and therefore, is not one of those articles that would be affected by the surtaxe. But, take an article not going in on sailing vessels—take dried apples, for instance, the maximum duty of which is 3 francs per 100 kilogrammes and the minimum duty on which is two francs per hundred kilogrammes. That would be subject to a surtaxe of 3 francs and 60 centimes. Take wood pulp—the minimum tax on that is $\frac{3}{4}$ franc, but if it did not go directly, it would be subject to an additional tax of 3 francs and 60 centimes. That is the effect of the surtaxe d'entrepôt. Sir Charles Tupper very properly says, a large number of articles, such as canned lobsters, canned fish, wood pulp, furniture, condensed milk, common paper and articles of that kind, are virtually and practically prohibited, unless we provide the means of communication between Canada and France, so that it takes away from the value of the treaty an immense amount if it does not absolutely make the treaty virtually worthless, because it imposes upon Canada the duty of subsidizing a steamer for a very small trade indeed. In 1891 we sent to France $239,000 worth of merchandise. We purchased from France, that year, $1,671,000 worth of merchandise, so that our purchasing power from France under existing circumstances has been far greater than our selling power to her. France asks Canada

to subsidize a steamer which would cost $500,000, to develop direct trade. What for? To add a little to the $239,000 worth that we send to her, a quarter of a cargo every year, while we are purchasing from France $1,671,000 worth of goods. But we have no surtaxe, and they can send their goods by any line, but we cannot sell them $239,000 or half a million dollars worth, as Sir Charles Tupper says it would be doubled, unless we provide means of communication to take that trade direct from Canada to France. You can see plainly that the treaty as it is presented to us is greatly reduced in value and may impose an obligation which would take away even such small advantage as does exist in the treaty, the granting of a very large subsidy, in order to provide that direct communication. We send to Great Britain 50 or 60 million dollars worth of goods every year, and import the same, and yet you see how very difficult it appears to be even with a subsidy of $750,000 to provide a fast line. With $12,000,000 trade and the enormous travel backward and forward, we cannot secure a line with a subsidy of three-quarters of a million dollars a year—is it likely for so small a trade as that with France we can afford to subsidize a vessel in order that that direct trade may be established? For these reasons I brought this point before you, not only to show the effect that this treaty may have upon the most-favoured nation clause, but also what it may have upon the obligations, honourably entered into, between France and Canada. There is resting in the minds of French statesmen the fact that we cannot take advantage of the treaty unless we provide direct communication, and although they are willing to forego putting it in the treaty, yet that rests in their mind that we will provide direct communication. Although the Government have protected themselves by saying that they have no intention to do so, is it worth while passing the treaty in its present form unless the French Government will release us from the surtaxe d'entrepôt and enable us to take advantage of the treaty without the imposition of any subsidy for such a small trade? The most-favoured nation treatment should be started on a fair basis in so far as regards any future treaties we may wish to negotiate, and not in a partial way as it has been laid down in this treaty.

Hon. Mr. ANGERS—Perhaps it would have been proper for me to have called to order the hon. gentleman who has addressed you with so much eloquence for the last hour, although at this late period of the session, when time is so precious, I might have been supported in calling him to order for discussing a bill, which is to be submitted to this House on a future day, but which is not yet before us: the ratification of the French treaty. Such a speech as the hon. gentleman has treated us to might have been well accepted the first week of the session when we were waiting for work from the House of Commons. The papers are not before us.

Hon. Mr. BOULTON—It is laid on our table.

Hon. Mr. ANGERS—When the bill comes down the hon. gentleman will have the opportunity of repeating his speech, if he should still be here, but I am afraid he has made his speech in the hope of returning home, perhaps before the close of the session, but I hope that is not his inteution.

Hon. Mr. BOULTON—No, I will keep to my post.

Hon. Mr. ANGERS—As to the other point which has been discussed here, it is the subject which the conference of distinguished gentlemen from all parts of the empire are discussing at present. When I could not prevent him from doing a thing which was discourteous, the House will understand I am not bound to follow him upon that point, and that I shall not give an answer upon that particular point. It would be unbecoming for me, a member of the Government, to dwell upon the very subject for which we have called those representative gentlemen thousands and thousands of miles away from their homes to discuss with us here. As to the anxiety of the hon. gentleman to know whether the most-favoured nation clause did prevent us from dealing with the colonies as he suggests, I would only refer him to the very wording of the article itself in the French treaty. It is in the following words:

> Any commercial advantage granted by Canadian to any third power, especially in tariff matters, shall be enjoyed fully by France, Algeria and the French colonies.

Now the hon. gentleman is too well informed not to know that the wording " any third

power" could not mean Australia, New Zealand or the Cape of Good Hope, because that is part of one power—the British Empire. If the hon. gentleman had read the clause he would have seen that it does not affect us, because dealing between ourselves would not be an infringement of this clause.

Hon. Mr. SCOTT—I think the hon. Minister is scarcely fair in the strictures he has passed on the hon. gentleman who introduced the subject to the Senate. The Government mentioned it in the speech from the Throne, and it has been adverted to on several occasions. It is very well known that the measure is now before another branch of Parliament, although it is quite true it has not yet come before the Senate. The matter is one which has been publicly discussed by the newspapers of this country and the public men of this country, and I am not aware that it is at all contrary to the custom of Parliament for a member to put a question of this kind to the Government. Surely it cannot be called premature for a member to inquire the effect of the government's policy, if it is likely to disturb relations that are now being made with another part of the Empire. I can see no harm in the question, and it is quite proper, in my judgment, for the hon. gentleman to introduce it. It has been done in this Chamber frequently with reference to matters that were not really before Parliament —questions that were not likely to come up at all—but here is a question which is likely to come before us. I think the House is very much indebted to the hon. gentleman for the information he has furnished us; he has given the matter a great deal of thought and attention, and he has brought forward important points which will have their influence when the bill comes to the Senate. I do not think it is quite courteous to reflect upon him and state that his question was out of order. I do not think it was out of order; on the contrary, it is perfectly proper to put a question of that kind. Of course the Government need not answer the question; they may say it is under consideration, or they may give one of the many evasive answers so often given by officers of the Crown. The hon. gentleman did not address the House at all in a party spirit, but, on the contrary, he rather sheltered the Government in reference to many of the weak parts of that treaty, more particularly as to whether Sir Charles Tupper was premature in closing the treaty. It is well known in the country that last session the Government were divided upon it, some members contending that Sir Charles was not authorized to make such a treaty. The matter was discussed by the press in the country and admitted by the members of the Government themselves, and there was nothing confidential about it. The Government have thought proper, in their wisdom, to agree that the treaty shall be submitted this session. It was laid over last session; the Government did not agree, and they saw reasons for not accepting it, and they now see reasons for taking the opposite course. I have no doubt they will submit the reasons to us when it comes before the Senate. But to say it is improper for a member of Parliament to discuss a matter of that kind, when it is before the other branch of Parliament, would be suppressing that freedom of discussion and debate on all those questions which has prevailed in the past.

Hon. Mr. KAULBACH—The leader of the Opposition is not correct in this matter. The reply of the leader of this House to the question or motion is most appropriate—the speech accompanying the question deserved rebuke. Had the hon. gentleman who brought this motion before the House confined himself to the question which he asked, it might have been worthy of consideration, but he travelled beyond that and discussed the merits of a measure which is not before the House at present. He went into the merits, and denounced it prematurely, and when we have not got the facts before us to justify us in coming to a conclusion upon the matter. Honourable members have too much regard for propriety to be provoked or drawn into a premature discussion of the merits of the treaty bill. My hon. friend may think in his wisdom that he is endeavouring to educate the meeting of delegates upon this matter. Article 2 of the treaty is plain to an ordinary mind, yet the hon. gentleman may have been prompted by a desire to enlighten us or the conference now sitting on a subject on which we have a right to suppose they are familiar. That may be his object, but my hon. friend might have taken another way to do it. He has endeavoured to do that through the press already; he has endeavoured to enunciate his views as to free trade through

the press whenever he possibly can, and sometimes he does it out of his own personal vanity.

Hon. Mr. POWER—I call the hon. gentleman to order. He is reflecting upon the motives of another member of this House.

Hon. Mr. KAULBACH—I disregard the call to order. I do not think it is any reflection on his motives at all. But my hon. friend is sensitive in the matter and I will not ask for a ruling from the Speaker. He had no right to go into the treaty the way he did, nor to question the terms of the treaty, or its effect, until the correspondence attached to it was before us. Therefore I say my hon. friend was decidedly out of order, and it is only through the indulgence of the House that he has been allowed on this occasion, as he has on many others, to ventilate his peculiar ideas on the trade question. He opened up the whole question of trade—tiresome to members—the same hobby he has introduced many times in this House.

Hon. Mr. ANGERS—I rise to make a personal explanation. I did not object to the question at all. The hon. leader of the Opposition misunderstood me if he thought I objected to that. The question may have been a proper one, but what I said was out of order was the speech he made upon his question.

Hon. Mr. McCALLUM—I think the hon. gentleman has given us a good deal of information and I had pleasure in listening to him. This matter of a treaty has been before the country for over a year now, and it has been a question in every man's mouth in my part of the country whether we are going to pass the treaty or not, and I was very glad to hear his remarks. He gave me information that I had not heard before.

Hon. Mr. BOULTON—I may be permitted to say that I found the treaty on my table here among the other bills. I did not know whether it was introduced in the House of Commons or how far it had gone, but what I do now is that there is a conference sitting here in the hope that some trade relations may be entered into between Australia and the component parts of the Empire. I sympathize with that a great deal, and I think we all sympathize with it, and what I wanted to know was whether in the future the remission of duties we were according to France would also be accorded to other countries with whom we had favored nation treaties. I understood the hon. minister to say that we were not a third party, that Great Britain and the Colonies were one party in which we were included. Great Britain was entering into a treaty with France and giving certain concessions to France, and I wanted to know whether those concessions extended to all the various nations with whom we had most-favoured nations treaties, and I felt myself perfectly justified, not in moving any resolution with regard to the treaty, but simply making the inquiry I did, and giving my reasons for it. So far as the hon. member for Lunenberg is concerned, I will not attempt to answer him until he is willing to accord to his colleagues in this House some higher motives for their action than mere personal ambition or vanity, the standard of value which he generally places his references to me at.

## NORTH-WEST MOUNTED POLICE FORCE BILL.

### THIRD READING.

Hon. Mr. ANGERS moved the third reading of Bill (121) "An Act to amend and consolidate the Acts respecting the North-west Mounted Police Force." He said: I was asked a question by the leader of the Opposition as to the number of veterinary surgeons in the force. There are two, and it is not proposed to augment their number. They have six assistants who get the ordinary pay of their rank; and at present the number is sufficient. It is only in case of some very extraordinray emergency, such as a great disease amongst cattle, or some accident in the territories, that the number should be augmented.

The motion was agreed to, and the bill was read the third time and passed.

## LAND IN THE TERRITORIES ACT AMENDMENT BILL.

### IN COMMITEEE.

The House resolved itself into Committee of the Whole on Bill (HH) "An Act to consolidate and amend the Act respecting land in the Territories."

(In the Committee.)

Hon. Mr. ANGERS—This bill has been circulated through the territories and sent to the judges who administer justice there. They have suggested additions and amendments which have been incorporated in the bill. This measure refers specially to the registration of deeds and mortages and judgments, prescribes what the duties of the registrar shall be, what books he shall keep for the public information, and what will be the record of his office. It is a long bill. I propose as we go on to draw the attention of the House to the clauses which may be new and to the suggestions which have been made by the judges who administer justice there.

On clause 2,

Hon. Mr. POWER—Paragraph *a* of this section ; I notice that the term "land" is to include "mines, minerals and quarries." I wish to ask whether it is the settled policy of the Government in dealing with the North-west that grants of lands shall convey the mines and minerals in the lands. That has not been the usual policy in the provinces.

Hon. Mr. ANGERS—No.

Hon. Mr. POWER—I think the better policy would be to exclude the mines, minerals and quarries ; if in an exceptional case the Government proposed to grant the mines, minerals and quarries, it should be mentioned.

Hon. Mr. ANGERS—The Government have not changed their policy with regard to that, and when lands are granted, the grant does not include the mines and minerals unless they are specially stated.

Hon. Mr. LOUGHEED—The patents issued by the Government some years ago did not include mines, minerals and quarries, but afterwards the Government excluded them from the grant; in some cases they included the quarries and in some not, and therefore the certificate now issuing upon a patent would be governed under this Act, and it would not do to omit the language used in this section.

Hon. Mr. ANGERS—The word "land" is used in the bill; that is the general expression.

Hon. Mr. POWER—My point is, that under this paragraph wherever in letters patent lands are mentioned, then the letters patent convey the mines, minerals and quarries. I understand the Minister to say that it is not the policy of the Government in granting lands to grant the mines and minerals underneath the soil.

Hon. Mr. ANGERS—No.

Hon. Mr. POWER—Now, those mines and minerals pass unless they are specially excepted. As the intention is that they shall not be granted unless specially mentioned, would it not be better to leave out mines, minerals and quarries and allow the grant to include them in the exceptional cases where they are granted?

Hon. Mr. LOUGHEED—My hon. friend is in error for this reason—that any grant of land, unless there is an exception in that grant, includes all mines and minerals, except the precious metals, and if there is an exception the patent will show it, and it will come under this clause. There will be no other way of dealing with the patent.

The clause was agreed to.

On clause 5,

Hon. Mr. ANGERS—This is a repetition of clause 7.

Hon. Mr. POWER—I do not quite understand it.

Hon. Mr. LOUGHEED—Since the introduction of the Real Property Act in the Territories, real estate in its devolution is much the same as personal estate. Where an executor is appointed under a will, the property does not vest in any of the legatees until there is a transfer made by the executor to the legatee or to the devisee, as the case may be, or by the administrator when letters of administration are taken out.

Hon. Mr. VIDAL—It seems that it cannot be considered as complete until that is done.

Hon. Mr. POWER—I only ask for information. It reads :

No devise shall be valid or effectual as against the personal representative of the testator, until the land affected thereby is transferred to the devisee thereof, by the personal represeutative of the devisor.

That is, the devise shall not be valid until the executor has transferred it to the devisee. It just means that the executor, by keeping the land in his possession, can hinder the devise becoming valid against him for an unlimited time.

Hon. Mr. SCOTT—That is the law now in Ontario. The executor for the time being is the owner practically ; but he is a trustee, and a conveyance by him would be a fraud and would be estopped by the court.

Hon. Mr. ANGERS—I understand he is seized of the property.

Hon. Mr. LOUGHEED—An executor might have to pay the debts of the testator, and he must hold the land until he properly winds up the estate, and then he transfers it to the devisee.

Hon. Mr. ANGERS—The executor could be forced to do it by the court.

The clause was adopted.

On clause 23,

Hon. Mr. POWER—As the whole question of land titles is purely legal in its aspect, the proper department to operate this bill, when it becomes law, would be the Justice Department. I cannot see how the Minister who happens to be at the head of the Department of the Interior, and who is not necessarily a professional man, should be expected to be qualified to deal with questions which would arise in construing this Act and carrying on business under it. I think it ought to be under the Department of Justice ; perhaps the Solicitor General would find something to do if we gave him charge of this land titles business.

Hon. Mr. ANGERS—This Act is under the direction of the Minister of the Interior for the reason that the concession of lands belongs to his department. All the letters patent have to be issued there. Of course, when any question of law arises, he takes the opinion of the Solicitor General or of the Minister of Justice. It is under the direction of the Minister who has charge of the land.

The clause was adopted.

On clause 56, subsection *d*,

Hon. Mr. LOUGHEED—This subsection is objectionable. It provides that leases shorter than three years need not be registered. A purchaser might acquire a property without knowing that it was leased.

Hon. Mr. ANGERS—The reason for registering long leases is for the protection of creditors, but there is no necessity to register short leases.

Hon. Mr. LOUGHEED—It would be no hardship to require the lessee or the lessor to register any lease for over a year. The registration fee is only $1.

Hon. Mr. ANGERS—There are other expenses besides the registration fee. Often it involves a long trip, and frequently leases are made verbally which would have to be reduced to writing if registered.

The clause was adopted.

Hon. Mr. LANDRY, from the committee, reported that they had made some progress with the bill and asked to sit again.

## BILLS INTRODUCED.

Bill (118) "An Act respecting the Inspection of Electric Light."—(Mr. Bowell.)

Bill (134) "An Act respecting the utilization of the waters of the North-west Territories for irrigation and other purposes."—(Mr. Angers.)

The Senate adjourned at 6 o'clock.

---

## THE SENATE.

*Ottawa, Friday, 6th July, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READING.

Bill (137) "An Act further to amend the Steamboat Inspection Act."—(Mr. Angers.)

## CERTIFICATES TO MASTERS AND MATES OF SHIPS BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (130) "An

Act further to amend the Act respecting certificates to Masters and Mates of Ships."

(In the Committee.)

On the 8th clause,

Hon. Mr. POWER—This clause increases the fees that are now payable under the Act for certificates to masters and mates of ships. Under section 6 of the Act the fee for a certificate of competency for a master is $10 ; that is increased by this bill to $15. The fee for a mate's certificate under the existing law is $5. That is increased by this bill to $8. Inasmuch as those who are applying for certificates as masters and mates are not generally blessed with much of this world's goods, the Minister should show some substantial reason for increasing the fees, particularly as these certificates are required now for masters and mates of vessels of over 100 tons burden. Formerly they were only required for vessels over 150 tons.

Hon. Mr. ANGERS—The increase is not very much, but it has become necessary. It was always anticipated that the fees should pay the service, and that rule had been laid down. The expenditure for last year was as follows :—

| | |
|---|---|
| Chairman's salary | $ 1,800 |
| Clerk's salary | 480 |
| Printing, travelling expenses and office expenses | 1,836 |
| | $4,116 |
| The revenue was | 2,484 |
| Deficit | $1,632 |

Under the circumstances the small increase in fees is necessary, since it was always understood that this service should pay its own expenses.

Hon. Mr. VIDAL—In the event of the revenue greatly increasing, the Governor in Council can reduce the fees.

The clause was adopted.

Hon Mr. BOLDUC, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## LANDS IN THE TERRITORIES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (HH) "An Act to consolidate and amend the Acts respecting land in the Territories."

(In the Committee.)

On clause 89,

Hon. Mr. SCOTT—I think this clause requires an adjunct to fairly carry it out. The clause vests in the executor the estate, both real and personal. There may be a will in which parts of the property have been specifically devised, and if the administrator is not diligent in his duty, or from any motive he may desire to keep the estate in his hands, it might be some considerable time before those entitled to the various devises could receive them. The law in Ontario limits the time to one year. If the executor requires a longer period to wind up the estate, he divests himself of those parts of the property which have been specifically devised ; then he must file a paper in the registry office that he requires further time, and a year is given to him. In this bill there is no limitation and I fear it would be a temptation to an administrator to use the funds of the estate and not exercise proper despatch in winding it up.

Hon. Mr. ANGERS—I think the suggestion a good one and I will let the clause stand.

The clause was allowed to stand.

On clause 92,

Hon. Mr. POWER—I do not quite understand the effect of that subsection 3. It is new, I understand.

Hon. Mr. ANGERS—Yes.

Hon. Mr. LOUGHEED—This Act has not been made obligatory in reference to all lands, and there are a great many lands for which certificates of title have not been issued, and they are not brought under the Act. It is inequitable that a person should be enabled thus to deal with those lands in view of the fact that a writ issued against such lands has no operation, and that persons who have not thus conformed to the Act are placed in a better position than those who have conformed. I think this clause should be reconsidered. Its effect is very doubtful.

The clause was allowed to stand.

On clause 94,

Hon. Mr. LOUGHEED—Although the registrar shall be entitled to receive a trans-

fer yet he shall not have authority until the expiration of four weeks to register the same. In line 14 this is rather a peculiar position. Is it understood that that instrument shall lie in the office for four weeks before being registered?

Hon. Mr. SCOTT—It may be to enable the party who opposes the sale to apply to the court to set it aside.

Hon. Mr. ANGERS—This corresponds to section 96 of the old Act.

Hon. Mr. POWER—Section 96 provides for immediate registration.

Hon. Mr. ANGERS—I see no reason except to offer sufficient delay to contest the sheriff's sale, if any irregularity has been committed, but I cannot say to the House that that is the motive of the clause, but it would have that effect. I shall ask that the clause stand and obtain the information.

Hon. Mr. KIRCHHOFFER—It is evident that that is the intention from the concluding words of the clause.

Hon. Mr. ANGERS—If that is the object it is a very good one.

Hon. Mr. LOUGHEED—I quite agree that sufficient time should be given for the redemption of the land.

Hon. Mr. ANGERS—It is not so much for the redemption of the land as contesting the sale if it had been improperly carried on.

Hon. Mr. LOUGHEED—If the transfer is not to be registered for four weeks after its presentation to the registrar, the book in which the registrations are entered will not show the dealings with the land. The principle is that the records in the Registry Office should show the whole of the dealings with the land so that a person examining those books may acquaint himself with the record. The public might be deceived by reason of this provision.

Hon. Mr. ANGERS—The book will show that there is an execution in the office; it will also appear that the property was in the sheriff's hand.

Hon. Mr. LOUGHEED—This refers also to tax sales, and is a departure from the old law.

The clause was allowed to stand.

On clause 99,

Hon Mr. LOUGHEED—It will be observed that in subsection 8 of section 99 once a caveat is filed, the caveator has no right after that date to file another, even though he should withdraw the one he originally filed. One could very well conceive some error or mistake having arisen in filing a caveat, and surely the rights of the caveator should not be entirely wiped out by his having filed his first caveat. It appears to me that power should be given to the judge, where a case of mistake or error has arisen, on application to the judge to grant the caveator a right to file another caveat. A caveat is usually filed in a very great hurry. The reason of filing a caveat is to cover some contingency which unexpectedly happens; and they are invariably filed without very much attention being given to their preparation, and on information obtained hurriedly. Consequently, this remedy given to the caveator should not be entirely exhausted by his having filed a caveat. I suggest that that additional power should be given to the judge. If you were to add at the end of the clause "unless by leave of a judge" it would answer the purpose, I think.

Hon. Mr. ANGERS—I accept that amendment.

Hon. Mr. LOUGHEED—In subsection 6 I desire to point out that there is a limitation of three months which may not be practicable. For instance, it makes it arbitrary that the proceedings shall be brought to a certain issue within three months—that is to say the caveator shall, by the expiration of three months, either secure an injunction restraining the registrar from granting a certificate of title or otherwise dealing with the land.

Hon. Mr. POWER—He has to bring the proceedings within three months.

Hon. Mr. ANGERS—Yes, they may be pending.

Hon. Mr. LOUGHEED—It appears to me the construction would warrant the conclusion that he was bound to bring the proceedings to an issue, which issue shall be the obtaining of an injunction or order.

Hon. Mr. ANGERS—The court is seized with the case. He must proceed or the defendant obtains release.

Hon. Mr. LOUGHEED—He may have obtained his injunction.

Hon. Mr. ANGERS—The defendant can force him to go on, or if he does not he will get a release from the court.

Hon. Mr. LOUGHEED—The difficulty is where the courts sit at such long intervals as they do in the North-west. It is a question whether the order of the judge could be obtained in time. However I am not prepared to condemn it.

The clause as amended was agreed to.

On clause 100,

Hon. Mr. LOUGHEED called attention to the fact that under this clause an instrument executed by a corporation through its properly authorized officers and with the corporation seal, could not be accepted without an affidavit. This gave rise to a great deal of inconvenience at times, especially in the case of documents sent out from England.

After discussion, the clause was allowed to stand.

Hon. Mr. LANDRY, from the committee, reported progress and asked leave to sit again.

## SECOND AND THIRD READINGS.

Bill (151) "An Act respecting the Common School Fund."—(Mr. Angers.)

Bill (150) "An Act respecting certain subsidies granted to the Government of the Province of Quebec by Chapter eight of the the Statutes of 1884.—(Mr. Angers.)

## NORTH-WEST TERRITORY IRRIGATION BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (134) "An Act respecting the utilization of waters of the North-west Territories for irrigation and other purposes." He said: The object of this bill is to encourage and facilitate the formation of companies in the North-west Territories for the purpose of irrigation. It is impossible that a single farmer now can find the necessary funds or would be willing to invest the necessary amount to do such extensive works as are required in several localities in the North-west Territories. There is most valuable land which can be made fertile by irrigation. There are millions more of acres of land which will be rendered most productive by the joint action of the farmers there, or by capital brought in, and it is necessary that some legislation be made to authorize and regulate these works, to provide for expropriation and for the proper construction of dams where the water is to be kept back, and so on, in the interests of the public safety. This bill will provide for those exigencies, and as we go on in Committee of the Whole I shall explain each clause. I may say the legislation has been copied from Acts passed in Australasia, and in some of the neighbouring states of America.

The motion was agreed to.

The Senate adjourned at 5.05 p.m.

---

## THE SENATE.

*Ottawa, Monday, July 9th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE LATE SENATOR GLAZIER.

Hon. Mr. ANGERS—Before proceeding to business, it is my painful duty to record the absence of one of the hon. members of this House, who has been removed by Providence in the eighty-fifth year of his life. The Hon. Mr. Glazier occupied in his own province a prominent position as a trader. He was the pioneer on the River St. John of the most extensive lumber trade that ever existed in New Brunswick, and was at the head of a very large business. His word, through the whole of his province, was as good as his bond and his note equal to the notes of a chartered bank. He also occupied a seat in the local legislature of his own province, and as far back as 1868 he was called to this honourable House, where he has been known as a most honourable and courteous member. It

is with very great regret that we learn of his death, and we are consoled only by the thought that he has gone to a better world. I must also add the expression of regret of the whole House that we have been unable to attend his funeral, as we should have done in a body, by the fact that the death occurred when the Senate was adjourned and we had no opportunity of meeting before to-day.

Hon. Mr. SCOTT—I join in the regrets of the hon. gentlemen who now leads this House. The late Senator Glazier for many years past, owing to feeble health, took apparently very little interest in the business of the Chamber, but those who recollect him as he was 20 years ago will remember him as a kind-hearted, genial man, with a good deal of force of character and sound sense, and very much liked by those who knew him intimately. Many of those, I am sorry to say, are gone before him. He lived to a fine old age, and I join in the very great regret that we are unable to pay that respect we should have liked to his memory by attending his funeral owing to the circumstances mentioned by the hon. Minister of Agriculture.

Hon. Mr. WARK—I was acquainted with Senator Glazier for a great many years. I can remember when he was a member of the New Brunswick Legislature. As has been observed by the hon. leader of the House, he at one time was doing a very extensive business in that province. At the time of the difficulties about the Trent affair, when a body of troops came out to St. John as the nearest point in Canada, Mr. Glazier, who was then doing a large business and employed a great many teams, undertook to send the troops through, and he did his duty most satisfactorily. He at one time carried on a very extensive business in what was called the disputed territory when it was open for operations. There was no man that I have met who had such a memory of the early history of the River St. John, as Mr. Glazier. He was born on the river, brought up on it, carried on business on it and knew the whole history of that section. Of late his health had been very much impaired. His death is very much to be regretted by all.

Hon. Mr. DEVER—After the warm tribute from the hon. Minister of Agriculture to the memory of the late Mr. Glazier, there is hardly anything further for me to say except that I come from the same province, and having known our late colleague for the last forty years, I desire to express my endorsation of every word uttered by the hon. Minister. The late Mr. Glazier was one leading lumberman of our country. He carried on a very extensive business at all times, and employed some 100 or 150 men in the woods. He, with his brother, ran steamers on the River St. John, and was everywhere known as a thoroughly honourable man. In his youth, and whilst his health was good, he commanded great respect in his native province. Since he came to Ottawa, some twenty-six years ago, on the 14th March, 1868, he has been known here as an upright, honest man, a man true to his country and true to his principles. Though he was not a very talkative man, his judgment was sound. I regret his death exceedingly. It occurred at a time when the Senate, as a body, could not be notified of the fact, or at what hour of the day the remains would be taken away. Consequently, we could not display the respect that we would like to have shown to his memory. At any rate, in his own country, his memory will be treated with that same respect that he always commanded there during his lifetime.

## CONTINGENT ACCOUNTS OF THE SENATE.

REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. READ, from the Committee on Internal Economy and Contingent Accounts of the Senate, presented their fourth report and moved that it be adopted presently. He said: As the House directed, the postmaster's salary is increased by $100. Another clause of the report has been amended by recommending that the amount paid by Gagnon into the superannuation fund be restored to him. There is also a recommendation that the waste paper of the Senate be disposed of in the same manner as is done in the House of Commons. There is also a slight change in the 19th clause.

Hon. Mr. MACDONALD (B.C.)—The power of suspension recommended by the report is too arbitrary. It gives absolute power to suspend an official without cause.

Hon. Mr. READ—I think the officer then could be brought to account.

Hon. Mr. ANGERS—I observe that the recommendation of the committee in relation to the salary of the postmaster has not been embodied in the report. The object for which the report was referred back to the committee is stated, but the recommendation does not appear in the report itself.

Hon. Mr. READ—It was intended that it should, and the omission being simply a clerical error, I now move, with the permission of the House, that it be corrected at the Table.

The motion was agreed to and the report, as amended, was adopted.

## LAND IN THE TERRITORIES BILL.

THIRD READING.

The House resumed in Committee of the Whole consideration of Bill (HH) "An Act to consolidate and amend the Act respecting land in the Territories."

(In the Committee.)

On clause 87,

Hon. Mr. ANGERS—This clause was allowed to stand at the request of the hon. leader of the Opposition. The officers of the Department of the Interior and the Department of Justice conclude that it would be better not to alter clause 89 as it now stands. During recess it is intended to communicate the effect of the discussion to the judges and the profession in the North-west Territories, and if it should be thought expedient to ask for additional legislation next year.

The clause was adopted.

On clause 92,

Hon. Mr. ANGERS—The hon. member from Calgary stated that the effect of the sub-clause would be to place settlers, who have brought their lands under the operation of the Act, in a less advantageous position than those who have not. It is true that all but a very trifling portion of the land in the North-west is under the operation of the Act, either as a consequence of the action on the part of the owners to bring it under its operation, or still more largely because such a considerable proportion of the land has been patented since the Torrens system came into force. Still, there is no doubt a great deal in the contention of the hon. member, and it has been resolved to strike out sub-clause 3 if it is approved by the House.

Hon. Mr. LANDRY, from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed.

## NORTH-WEST TERRITORIES IRRIGATION BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (124) "An Act respecting the utilization of the waters of the North-west Territories for irrigation and other purposes."

(In the Committee.)

Hon. Mr. ANGERS—I may state to the House that the principle of this bill is set forth in four or five clauses of it, and after we have gone through them, hon. members will see that the principle laid down there is quite simple in its character, and will give the House no trouble at all.

Hon. Mr. SCOTT—It is a bill entirely new to members of this House, and has an important bearing on the future of the North-west. While it is desirable that every facility should be given for irrigation, still the principle is one that may be attended with very great danger to private rights. where large corporations obtain power to use the waters of that country for irrigation.

Hon. Mr. ANGERS—Their rights are preserved.

On clause 2,

Hon. Mr. LOUGHEED—I would ask the hon. minister to allow subsection (*d*) of this clause to stand. I think when read in connection with subsequent clauses of the measure, it will be noticed that it is hardly applicable. It may have to be enlarged somewhat.

The subclause was allowed to stand.

On the 4th clause,

Hon Mr. POWER—I do not rise for the purpose of opposing this clause, but I have

some hesitation in voting to provide that the right to use any water which may be in a swamp, for instance, shall be vested in the Crown. If a man gets a grant of land in which there is a swamp, and he proceeds to drain the swamp and make the land tillable, he is doing good work and should not be interfered with by the Crown or any one else. One can see the point as to streams, watercourses, lakes and lagoons, but as to a swamp I have grave doubts.

Hon. Mr.LOUGHEED—That is guarded.

Hon. Mr. BERNIER—I rise to support the observation of the hon. gentleman from Halifax. The rights of the owners of these farms in the North-west should be guarded.

Hon. Mr. ANGERS—I wish to make it quite clear to the House that this bill has no retroactive effect, that any concession already made of a swamp will not be affected by this bill at all; it is only in the future that the Crown, in making a grant of land, will make the necessary reservation. At present, under the grants made by the Crown, the riparian owner, if the water is not navigable, owns it to the middle of the stream; that is for the past. No legislation should affect that, nor does this bill intend to do so, but in the future the policy of the Government is to reserve such water for the general public, so that they may be in a position to deal with it and to grant the necessary license to corporations formed for the purpose of utilizing that water for the general good of all. It cannot affect any acquired rights.

Hon. Mr LOUGHEED—I would point out to my hon. friend from St. Boniface that there is a reservation made here expressly that it shall only affect those lands the title of which is vested in the Crown.

Hon. Mr. BERNIER—Even with those explanations, I am afraid this clause will have a bad effect Those who have experience in the North-west know what it means.

Hon. Mr. ANGERS—When the hon. gentleman has gone through the bill I think he will be satisfied that all necessary precautions are being taken, and no detriment can arise to anybody under this legislation. As to the safety of the works, the plans have got to be submitted and approved. For expropriation the principles that are followed in building a railway are adopted in this bill, so that no possible injustice can be done if the bill is accepted.

Hon. Mr. BERNIER—No injustice can be done to an individual, but if that policy were adopted it might put into the hands of companies very important powers which will eventually be a drawback to colonization and injurious to the settlers generally.

Hon. Mr. ANGERS—No, I wish the hon. gentleman to be satisfied upon that point. We have heard so much about the freight rates in the past that this bill has been framed to avoid any similar difficulty. There is a clause in this bill which provides that the tariff upon which the water shall be distributed to the public shall be regulated from time to time upon application to the Governor in Council, so that there will be no fixed and permanent tariff under those licenses; it shall be revised from time to time at the request of those interested, so that upon that point I hope there will be no trouble.

Hon. Mr. LOUGHEED—I may inform my hon. friend from St. Boniface that this bill, when in galley, was distributed largely throughout the North-west. Conventions were held of the settlers throughout the western portion of the Territories where the bill would be peculiarly applicable, and this bill was in whole adopted at those conventions. As far as I am aware not a dissenting voice had been raised to the principle of the bill or to the particulars of the bill.

Hon. Mr. SCOTT—From my reading of the bill I do not draw the inference that swamp or marsh land that would be capable of cultivation by drainage are in any way covered by this bill. The marsh or swamp land referred to in this bill are such lands as hold some very considerable body of water and which could not be utilized at all for farming purposes. "Use and diversion" would not cover the drainage of the land simply for the purpose of converting it into agricultural ground. It is the fear that lands that might ultimately become agricultural lands by drainage will be included in this bill, which apparently has created the

fear that my hon. friend from St. Boniface expresses.

Hon. Mr. BERNIER—As explained by the hon. leader of the Opposition the clause would be less objectionable if such lands were excluded. I want to point out that the marsh, as it is put generally there, may apply to some marshes where hay is made. In the North-west, as in the province of Manitoba, the natural hay, which is about the only hay we can get, is made generally on those marshes, and if those places are put in the hands of irrigation companies the settlers in the vicinity of them may be unable to cut hay.

Hon. Mr. LOUGHEED—Does the hon. gentleman object to the Crown dealing in marsh lands now vested in them, and would he prevent the Crown from disposing of them to any person?

Hon. Mr. BERNIER—I do not object to the Crown lands being used in that way, but I have certainly a right, if I think this bill will work injuriously against any class of people, to object to such a provision.

Hon. Mr. ANGERS—I am quite sure the hon. member from St. Boniface will be reconciled to this bill when he knows the object in view. If there are marsh lands used for meadows, they belong to the settler or they belong to the Crown. If they belong to the settler to-day, they will not be affected by this measure at all. If they belong to the Crown, they can be acquired by the settler if he chooses to pay the price for them, and if the land is of such a nature that it can be cultivated, the Crown would raise no difficulty in making a grant of it as agricultural land. If it is vested in the Crown and the Crown sees that it is submerged in such a way that it cannot be made available for agricultural purposes, then the Crown has a right, in making grants of the adjoining pieces of ground to reserve that portion, which portion shall then be utilized for irrigating the whole district.

Hon. Mr. KAULBACH—I have not seen the bill; it is novel legislation to me, and does not affect us in our Lower Provinces, but I presume any damage done to land by damming up the water will be fully compensated for under the provisions of the bill.

Hon. Mr. ANGERS—Certainly; all principles which apply to public works constructed by corporations are applicable to this bill. The principles that govern the building of railways are applied to irrigation under this bill; and moreover, all the plans of work to be erected have to be approved of. It must be shown that they are safe and sufficient, and will not cause loss or any serious accident.

Hon. Mr. POWER—As I understand it, the hon. gentleman from St. Boniface is not raising any objection to the plans, or the sufficiency of the works to be undertaken by any company. The hon. gentleman's objection, as I understand it, is this—he says after the passing of this Act it will be impossible for any settler to get, by grant from the Crown, swamp or marsh land. If a settler were to attempt to acquire, for instance, a tract of land a portion of which happens to be marsh, and on which marsh hay grows, the Crown will not be allowed to make him a grant of the marsh. That is rather a serious matter in a country like the North-west Territories. I wish to call attention to the 6th clause which I think would prevent the Crown from making a grant to any settler under those circumstances. It is as follows:—

> After the passing of this Act, no right to the permanent diversion or to the exclusive use of the water in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water, shall be acquired by any riparian owner or any other person by length of use or otherwise than as it may be acquired or conferred under the provisions of this Act.

"Diversion" would be diversion for drainage purposes, of course. I really do not see why the Government should want to take these swamp and marsh lands. There is no large stream of water to be got out of a swamp as a rule, and I think it would be better to strike out the words "swamp and marsh."

Hon. Mr. ANGERS—Clause 6 provides that in future grants, the fact of a man being a riparian proprietor to a swamp, river, lake or lagoon, he will not acquire, as he did formerly, the right to the middle of the water. That is the meaning of it. You can only acquire it under the provisions of this bill; that is, by making a special application for it and obtaining a license if it is to be used for the purposes of irrigation, but the Crown will have, notwithstanding, the right to dis-

pose of it, if it is not suitable for irrigation, as meadow lands for hay, etc.

Hon. Mr. LOUGHEED—I would point out that it is very desirable for the proper operation of this bill that the Government should deal with swamp lands as indicated in the bill. Most of the swamp lands in the North-west Territories are to be found in large depressions of the prairie—they are basins which hold large quantities of water in the spring of the year. The retention of that water for the irrigation of the land in the vicinity is extremely desirable. It is of no use in those swamps whatever, and surely it is right that the settlers should have the opportunity of using the water that accumulates in those basins at the season of the year when it is most desirable that water should be used on the lands in question.

Hon. Mr. ANGERS—I wish to draw attention to another fact. As the hon. gentleman says, those swamps are overflowed in the spring. Within four or five weeks the whole of the water runs off. The intention is to keep back the water and to make reservoirs of those swamps, which are natural basins and any corporation incorporated for the purpose will build at the mouth of such a swamp or marsh or overflowed land a dyke to keep the water there for irrigation at a time of drought.

Hon. Mr. POWER—I would make this suggestion: there are certain parts of the North-west Territories where undoubtedly it is very desirable that this measure should go into operation. There are other parts of the North-west Territories where this bill will never go into operation. It occurs to me that the difficulty would be got over if the Minister would insert somewhere in the bill a clause to the effect that the Governor in Council may, by proclamation, define the territory within which this bill is to operate. That would get over the whole of the difficulty.

Hon. Mr. LOUGHEED—That is really impracticable. Until the necessary surveys are made, surely it cannot be determined where this system should be in operation. My hon. friend may take it for granted that it is private capital that is to be invested in these works. Private capital is never solicitous to invest itself in irrigation undertakings where irrigation would be futile.

Hon. Mr. ANGERS—The objection of the hon. gentleman is met by the bill. Every company wishing to irrigate must obtain a license from the Government, so the Government in each case will be in a position to see whether irrigation is necessary or not. Nobody has any right to go of his own accord and undertake irrigation in any section. A company must first obtain a license to allow them to use the water of a lake or river for such a purpose. So, virtually, it will be put in force in every instance only after the Government has considered whether a license should be given or not.

Hon. Mr. POWER—If this bill becomes law, will the Government have power to make a grant of land in any part of the North-west Territories which would convey to the grantee the same right that is now conveyed in grants to drain swamps and marshes? If this bill becomes law, can the Government make a grant which would give the grantee the right to drain a swamp or marsh, supposing it is a place where irrigation is not desirable?

Hon. Mr. ANGERS—I do not think clause 6 would debar the Crown from using for agricultural purposes a place which is called a swamp to-day, but which could be easily reclaimed for agricultural purposes.

The clause was adopted.

On section 8,

Hon. Mr. LOUGHEED—Clause 7 deals with undertakings that have already been assumed, or carried out, or partially carried out. Clause 8 contemplates undertakings which may hereafter be carried out and deals with the question of precedence. There should be a saving provision in the clause stating that it applies to all cases excepting those covered by clause 7. Clause 7 makes it obligatory that a license should be obtained within twelve months, and apparently does not provide for filing an application as in clause 8.

Hon. Mr. VIDAL—It deals with persons who already have licenses.

Hon. Mr. LOUGHEED—Clause 8 should make this exception, that an application should not take precedence, during the months ensuing from the time that this bill

goes into operation, of one who has already started an undertaking.

Hon. Mr. ANGERS—The company that has already started work should use diligence.

Hon. Mr. LOUGHEED—My hon. friend will see that they have twelve months for coming in and asserting their rights. Having given them twelve months in the seventh clause it is inconsistent with that provision that the first applicant should have precedence, because some one may come in and make an application who has not started operations, and according to clause 8 that application will take precedence although twelve months is given to the party who has already started operations.

Hon. Mr. POWER—My hon. friend from Calgary will see that clause 7 applies only to persons who now hold water rights. Clause 8 applies only to water, the property in which is vested in the Crown, so the two clauses do not clash at all.

Hon. Mr. LOUGHEED—My hon. friend from Halifax may not understand the situation there. The application of clause 7, although it may not be drawn out exactly as it should to apply to the class to which I refer, intends to cover this class of cases: many persons, in anticipation of this bill being passed, have made ditches, and diverted the water from the streams on to their lands, and have expended large sums of money. It is intended that these people, who have carried out these undertakings, shall be preserved in the rights they already possess. The undertakings which they have already carried out are in contravention of the common law regarding riparian rights, because they have no right to tap those streams and affect the rights of riparian owners above or below them. Consequently, it is intended that clause 7 shall apply to that class of cases. Therefore, I say, it is inconsistent with clause 8.

Hon. Mr. ANGERS—I think they should be given a delay to comply with the provisions of clause 7, but it is impossible to fix a delay in clause 8, becanse it deals with the future.

Hon. Mr. LOUGHEED—Section 7 deals with property vested in the Crown. You have already given twelve months in clause 7, and in clause 8 you provide that the applicant shall take precedence according to the date of application.

Hon. Mr. VIDAL—It appears to me the statement of the hon. gentleman from Halifax is quite clear. The two clauses relate to two distinct cases.

Hon. Mr. SCOTT—Oh, no, there are persons in the North-west who, without authority, have already constructed works.

Hon. Mr. VIDAL—That is mentioned in the bill.

Hon. Mr. SCOTT—They have twelve months under clause 7. What the hon. gentleman from Calgary means is this—clause 8 provides that future applications shall be dealt with in the order of priority. A person may apply for a territory covered by works which are not now authorized, and under clause 8 his application would have precedence. I do not think there is any possible fear of that, because notice must be given that a person is so applying.

Hon. Mr. ANGERS—A person could easily show that he had commenced operations.

Hon. Mr. POWER—We might insert in clause 8 after "precedence" "except applications under section 7."

The amendment was accepted and the clause as amended was adopted.

On clause 12,

Hon. Mr. LOUGHEED—Should there not be some provision made that the plans in question should be certified by a competent engineer? The word "engineer" is used, but it should be in every case a competent engineer.

Hon. Mr. POWER—It would be an unwise provision to require that the engineer who makes the plan should always be a properly qualified civil engineer.

Hon. Mr. ANGERS—The plans have to be verified here.

Hon. Mr. LOUGHEED—This measure contemplates the existence of companies who propose selling water, and the question is

whether this is applicable to companies that do not propose to sell water, but simply to use it for their own exclusive purposes.

Hon. Mr. ANGERS—I think all companies should be bound to sell water; it is not an element that any company should have a monopoly over; it would be a great grievance if such a monopoly was established.

Hon. Mr. LOUGHEED—I perfectly agree with my hon. friend as to the desirability of that, but there may be a small stream in the vicinity of a company's or an individual's farm which it might be desirable to divert for the use of the property. The question is, does clause 12 contemplate that, and if it does not, what shall a private individual or a company requiring it for irrigation purposes do?

Hon. Mr. ANGERS—I will make a note of it and refer to the matter again.

The clause was adopted.

On clause 29,

Hon. Mr. LOUGHEED—Why is power given to discriminate for four years?

Hon. Mr. ANGERS—It may be good policy both for the company and for the consumer to permit discrimination in the price of water for a reasonable time. By offering water at a low price, many will be persuaded to use it who otherwise might not. The experiment will teach them the value of it. The delegates from the North-west endorsed the principle of giving a discrimination for the first four years of the existence of a company's works, so as to teach the people the benefit of irrigation. To a certain extent, they might give them free water if they chose.

The clause was adopted.

Hon. Mr. MACDONALD (B.C.), from the committee, reported that they had made some progress with the bill and asked leave to sit again.

## CULLERS' ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (124) "An Act further to amend the Cullers' Act."

(In the Committee.)

Hon. Mr. ANGERS—This bill is for the purpose of striking out of the present law the words "or counted" which was left in by mistake.

Hon. Mr. POWER—It is difficult to understand what the meaning of this is. I know what the change is, but the existing law is not as intelligible as it should be.

The clause was adopted.

Hon. Mr. OGILVIE, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## BILL INTRODUCED.

Bill (123) An Act in restraint of fraudulent sale or marking.—(Mr. Angers.)

The Senate adjourned at 5 p.m.

---

## THE SENATE.

*Ottawa, Tuesday, 10th July, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## IRRIGATION IN NORTH-WEST TERRITORIES' BILL.

THIRD READING.

The House resumed, in Committee of the Whole, consideration of Bill (134) "An Act respecting the utilization of the waters of the North-west Territories for irrigation and other purposes."

Hon. Mr. MACDONALD (B.C.), from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed.

## MILITIA LAND GRANTS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (54) "An Act to make further provision respecting grants of land to members of the militia force on active service in the North-west."

Hon. Mr. LOUGHEED, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## BILLS INTRODUCED.

Bill (132) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company."—(Mr. MacInnes, Burlington.)

Bill (122) "An Act further to amend the Petroleum Inspection Act."—(Mr. Angers.)

Bill (85) "An Act to incorporate the Boynton Bicycle Electric Railway Company."—(Mr. Read.)

Bill (23) An Act to incorporate the Edmonton Street Railway Company."—(Mr. Lougheed.)

Bill (73) "An Act respecting the Atlantic and Lake Superior Railway Company."—(Mr. Ogilvie.)

Bill (139) "An Act to incorporate the Pontiac and Ottawa Railway Company."—(Mr. Clemow.)

Bill (154) "An Act further to amend the Acts respecting the Civil Service."—(Mr. Angers.)

Bill (155) "An Act further to amend the Act respecting the Judges of Provincial Courts."—(Mr. Angers.)

## FUNERAL EXPENSES OF THE LATE SENATORS FLINT AND GLAZIER.

MOTION.

Hon. Mr. BOWELL.—Before moving the adjournment of the House I should like to refer to a matter in connection with the death of two of our oldest senators during this session of parliament. I find that, looking at precedents, the funeral expenses of senators dying during the sitting of the House have been paid by the Contingent Accounts Committee of the Senate. It would only be a gracious act, when we consider that the two colleagues who have passed away this session were two of the oldest members of the House, and for other reasons which I do not think it at all necessary to refer to, if the House would concur in the suggestion that I have made. The Contingent Accounts Committee will act in accordance with its wishes. I have taken this means of bringing up the matter because it places it upon record and makes an additional precedent to two others to which I shall refer in a moment, and should the House concur in the suggestion which I have made it will be a matter on record, and it will place the Auditor General in a position not to object to the payment. I need scarcely say to you, who have watched the keenness with which the Auditor General investigates all accounts, that he keeps a close watch on all expenditures. I find no fault with him for doing so; on the contrary, he being a parliamentary officer and not a Government official, it is his duty to make thorough and rigid investigation into all expenditures made by either House or by the Government, and assure himself that there is authority for each expenditure. I find that in the case of the Hon. Mr. Burnham, the funeral expenses were paid by the Senate, and also the case of Mr. Churchill, as far back as 1874, both of whom I believe died while attending to their official duties. In the one case the bill was $83, and in the other $175. I felt that it is only right, under the circumstances, as a matter of courtesy and of respect to those departed, to bring this question under the notice of the Senate, and with the conviction that the members who have known the departed gentlemen will concur in the views which I have expressed.

Hon. Mr. O'DONOHOE—Should not a limit be fixed beyond which expenses should not go?

Hon. Mr. BOWELL—My intention was simply to include the funeral expenses in Ottawa; that would be simply the undertaker's bill, and the cab-hire going to the station, and would not include any hotel bill.

Hon. Mr. O'DONOHOE—In the two accounts mentioned, one is double the other. If that be permitted in one case, why may it not be increased to any extent?

Hon. Mr. BOWELL—The hon. gentleman is quite correct in the statement he has made. I have no objection to limit it in any way the Senate thinks proper. The first item reads:

Amount paid undertaker for the funeral expenses of the Hon. Mr. Burnham, $83.

That would include, I think, the casket, and probably transportation from Ottawa to Cobourg, where he lived. The other is:

Amount of expenses of funeral of the late Hon. Mr. Churchill, cab hire, $42; messenger to Prescott with remains, $8.50.

I suppose he had no friends, and they had to send a messenger. The undertaker's bill was placed at $125.

Hon. Mr. POWER—I think there is no difference of opinion in the House as to the desirability of adopting the suggestion of the hon. leader of the House; but I would suggest that it would be better to pass a resolution in the House rather than refer the matter to the committee, because there may be some difficulty in getting a quorum of the Contingent Accounts Committee, and if the matter were referred to the committee they would simply report back and the House would adopt the report. It is just as well that the House should move directly, because the committee will not have the details in time to submit to the House.

Hon. Mr. BOWELL—I thank the hon. gentleman for the suggestion he has made, and I therefore move:

That the expenses attending the funerals in Ottawa of the Hon. Messrs. Flint and Glazier, who died while in attendance upon their Parliamentary duties, be paid by the Clerk of the House.

The motion was agreed to.

The Senate adjourned at 4.05 p.m.

---

## THE SENATE.

*Ottawa, Wednesday, 11th July, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE PRINTING OF PARLIAMENT.

MOTION.

Hon. Mr. POWER moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, a statement showing in detail the several sums paid for public printing for the year ending 30th June, 1883, and 30th June, 1893, respectively.

He said: This motion is one which I presume will be concurred in without any hesitation. For a great many years the printing of this House was done by contractors. Some few years ago a change was made, and the printing of Parliament, and the public printing generally, was transferred to the Printing Bureau. I think it will be the unanimous feeling of the House that the work has not been done any more satisfactorily under the new state of things than it was under the old. I do not raise any question as to the quality of the work; there is no fault to be found with that, but we have had, during the present session, on various occasions, difficulty with respect to proceeding with our work promptly owing to the fact of delay in printing bills and other documents. The printing is not done now nearly as promptly as when the work was done by contractors, so that unless the country is saving something by the present method of doing the public printing, it will be desirable to return to the old system of doing the work. I have no doubt that if the plant which is in the hands of the government, were placed at the disposal of contractors, a contract could be entered into at a very reasonable figure for the public printing. It is desirable, therefore, to ascertain whether any saving has been effected by the present method of doing the printing, and the object of my resolution is to obtain information on that subject. The return, which I hope will be here at the beginning of next session, will enable the House to judge whether the printing is now being done more economically than before the

introduction of the present system, and the House will then be in a position to decide whether it is desirable that Parliament should return to the former method of doing the public printing.

The motion was agreed to.

## THIRD READINGS.

Bill (71) "An Act to incorporate the New York, New England and Canada Company."—(Mr. Power.)

Bill (131) "An Act to incorporate the Nova Scotia Steel Company (Limited.")—(Mr. Power.)

## PETROLEUM INSPECTION ACT.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (122) "An Act further to amend the Petroleum Inspection Act."

Hon. Mr. POWER—I think the Minister should have given us some reason for passing this bill. I find the first clause of the bill provides for the lowering of the oil tests. The first clause of the bill substitutes for paragraph *a* of section 3 of the Petroleum Inspection Act, chapter 102 of the Revised Statutes, the following :—

(*a.*) If, at a lower temperature than eighty-five degrees by Fahrenheit's thermometer, when tested by the pyrometer described in the schedule to this Act, it emits a vapour that will flash.

The existing limit is 90 degrees. We know that 85 degrees is a very common temperature and it seems to me that the lowering of the temperature will render the oil much less safe to use than it is under the present regulations. The Minister should have established, in such a way as to satisfy the House, that there will not be any increase of danger by the lowering of the standard.

Hon. Mr. VIDAL—It strikes me it is the very reverse.

Hon. Mr. ANGERS—No. The high test of 95, it is alleged, causes the escape of all the best properties of the oil, and makes it so heavy that it encrusts the wick with carbon and tends to heat the vapour from the oil while it prevents the escape of the heated vapour. Now it is said we are making too large a reduction by reducing it from 90 to 85. The test in New York State and Pennsylvania is 73 and it is thought there to be safe enough. We do not hear of accidents occurring from this low grade, consequently we made it 85, convinced that it will offer no great danger.

Hon. Mr. DEVER—Has there been any fault found with the former test of the oil?

Hon. Mr. ANGERS—Just what I have mentioned, that the best burning qualities escape.

Hon. Mr. DEVER—I wanted to know if there was any fault found with it, because I burn a great deal of oil in my house and I find the very best oil we get from New York is satisfactory. That is under the present law and the present test, and I should be very sorry to see it altered. I think it is most satisfactory and safe. I have been burning it for five or six years and have never had any fault to find. We had the same test and got the same quality of oil, and unless some great objection has been offered by competent experts, I think it a pity that the law should be changed.

Hon. Mr. ANGERS—The very oil that the hon. gentleman uses in his house is only tested at 73 in the state of New York.

Hon. Mr. DEVER—What has that to do with us as long as our test is satisfactory?

Hon. Mr. ANGERS—If their oil is allowed and tested at 73, reducing it to 85 here will offer less danger.

Hon. Mr. DEVER—We have been using that oil for six or seven years under the existing test in this climate, and we have found it satisfactory. I do not think it should be altered now, without some specific cause that I have never heard of. The climate of New York has nothing to do with us. We have been using this quality of oil under this test, and I say again that we have never found any fault with it, but on the contrary found it safe and of good quality.

Hon. Mr. ANGERS—There has been no complaint from the consumer because the oil was unsafe, and we intend to keep it safe yet.

But the producer says: "You force me to extract the best burning qualities of the oil;" that is a sufficient reason, keeping in view the safety of the public, for reducing it to 85.

Hon. Mr. DEVER—But what have we to do with United States test or atmosphere?

Hon. Mr. KAULBACH—We have no objections to the lower grade of United States oil. It is only our own oil.

Hon. Mr. POWER—I am rather struck by the statement made by the Minister who says that the producers are afraid that, under the existing test, some of the most valuable qualities disappear and that the oil does not burn as long as it will under a lower test.

Hon. Mr. ANGERS—I did not say that.

Hon. Mr. POWER—The hon. gentleman said the illuminating properties of the oil were eliminated much more speedily under the high test than they will be under the new test. Then I understand his statement to be that the manufacturers of this oil wish to give us an oil which will burn longer than that which we have now. I have nothing to say against the patriotism of the gentlemen who produce oil in this country, but I shall be very slow to believe, if this bill is introduced at their instigation, that their motive is that we shall consume less oil than we have been consuming. That is one of those stories which might be told to a body known as the Horse Marines, but which would hardly be believed here. I have not a very distinct recollection, but I can remember that when the measure which is now on the statute-book was passing through this House, the gentleman in charge of the bill at that time contended that we should adopt this high standard because it was safe and because we would be making our oil so much safer than the oil used in the United States, and I cannot understand why, without any complaint from the consumers in this country, the Government now propose to retrace their steps and give us an oil which will not possess the quality of safety, which was spoken of, in nearly so high a degree as the oil which we are now using.

Hon. Mr. SULLIVAN—The explanations given by the hon. leader of the House are, to my mind, eminently satisfactory. I consider them the more so, because I have observed the very condition that he describes. He states that the wick of the lamp becomes converted into a solid mass of carbon, and thereby the valuable properties of the oil are not brought forth. The heat is concentrated on the oil, and thereby increases the danger of explosion. By lowering this test the high illuminating properties of the oil are retained and allowed to pass off in combustion. Consequently, the oil is better, and there is greater safety to those using it, because the heat will not pass to the lamp.

Hon. Mr. DEVER—We have not had an accident under the present test. No fault has been found. Those who use the oil are satisfied, and why should we have a law of this kind? I do not accuse the Minister of Agriculture of bringing in a measure which will be unsatisfactory to the country, but I have no confidence whatever in the men who run this Excise Department. They are perpetually annoying the country by bringing in useless bills. The people do not want this continual annoyance from these men, who do it more to show their importance than for any other reason. The oil that we have been using in this country for seven years has been perfectly satisfactory. We found great trouble in getting the standard of oil to where it is now, but having got it, we want to retain it. We import our oil from the United States; we have no regard for the Canadian oil, because it cannot be used as a first class illuminating oil. It is a waste of time for people behind the Minister's back to bring in bills here that nobody understands—I doubt if they understand them themselves. They come here simply to make alterations and amendments every year which are very annoying to the public, and which are of no possible use to the trade or benefit to the community.

Hon. Mr. ANGERS—I must thank the hon. gentleman for expressing his confidence in me personally, but I must at the same time ask him to extend that confidence to the people who stand at my back. Those who are in charge of this measure are not officers of the Customs, against whom he seems to have some grievance.

Hon. Mr. DEVER—I said the Excise officers.

Hon. Mr. ANGERS—This is a bill which comes from the Inland Revenue Department.

Hon. Mr. DEVER—That is the department I mean.

Hon. Mr. ANGERS—The explanation, I think, is sufficient to induce the House to accept the bill : it only refers to oil used for domestic purposes and it has not been pressed on the government in any way by the oil producers. What I said was that representations might have come from that direction.

The motion was agreed to and the bill was read second time.

## SECOND READINGS.

Bill (23) "An Act to incorporate the Edmonton Street Railway Company."—(Mr. Lougheed.)

Bill (73) "An Act respecting the Atlantic and Lake Superior Railway Company."—(Mr. Ogilvie.)

Bill (154) "An Act further to amend the the Acts respecting the Civil Service."—(Mr. Angers.)

## PROVINCIAL JUDGES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (155) "An Act further to amend the Act respecting the Judges of Provincial Courts." He said : When the management of the administration of justice in the province of Quebec was under the control of the Hon. Mr. Mercier, he amended the law relating to the appointment of the acting Chief Justice, when that official happened to reside in Montreal or when he happened to reside in Quebec, by stating that the judge who should discharge those duties should be a judge appointed by the competent authorities. It has been found necessary, in consequence, to make the Dominion Statutes read in the same way as the local statutes, emanating from the power which has the sole right to constitute the court. The second paragraph is to provide the salary of an additional judge for British Columbia.

The motion was agreed to and the bill was read the second time.



## MONTREAL PARK AND ISLAND RAILWAY COMPANY'S BILL.

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (68) "An Act respecting the Montreal Park and Railway Company."

The bill was read the first time.

Hon. Mr. OGILVIE moved that the 41st rule be suspended and that the bill be read the second time presently. He said : This bill met with considerable opposition in the other House, but that opposition is all over now, and as the Railway Committee will meet to-morrow, I should like to have the bill pass its second reading now and be referred to the committee without delay.

Hon. Mr. POWER—It is true that the opposition is over in the House of Commons, but that is because the bill has left that House. One of the last things done with the bill there was to increase the company's possible capital from half a million to a million dollars. The bill originally provided that the capital should be $1,000,000, and after a long discussion in the Railway Committee the capital was fixed at $500,000, that being the limit in the original charter granted by the Provincial Legislature. At the third reading of the bill the capital was increased to a million dollars, notwithstanding the fact that a majority of the committee had been opposed to such an increase. Therefore I do not think the hon. gentleman is quite correct in saying that all parties are agreed about this bill. Giving the company power to double their capital is a very undesirable thing indeed. I do not know that I shall oppose the hon. gentleman's motion, because the committee of this House can deal with the bill.

Hon. Mr. OGILVIE—Anything that the hon. gentleman has said does not controvert my statement. There is no opposition to the bill now. Within the last hour the solicitor of the company, Mr. Ferguson, told me himself that they had withdrawn all opposition. I can say from personal knowledge that it will take at least a million dollars to complete the works that they are carrying on at the present moment—constructing a line round the mountain to the park and to Lachine—if a million dol-

lars will do it. I took pains to ascertain, both from Mr. Girouard and from the solicitor of the company, that everything was all right before I undertook to move the second reading of the bill.

The motion was agreed to and the bill was read the second time.

## FIRST AND SECOND READINGS.

Bill (138) "An Act to incorporate the Montreal, Ottawa and Georgian Bay Canal Company."—(Mr. Clemow.)

Bill (100) "An Act to incorporate the French River Boom Company, Limited."—(Mr. Clemow.)

Bill (82) "An Act respecting the Lake Erie and Detroit River Railway Company and the London and Port Stanley Railway Company."—(Mr. MacInnes—Burlington.)

## BILLS INTRODUCED.

Bill (145) "An Act further to amend the Fisheries Act."—(Mr. Angers.)

Bill (126) "An Act further to amend the Criminal Code, 1892."—(Mr. Angers.)

Bill (JJ) "An Act further to amend the Post Office Act."—(Mr. Angers.)

The Senate adjourned at 4.15 p.m.

---

## THE SENATE.

*Ottawa, Thursday July 12th, 1894*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## MONTREAL PARK AND ISLAND RAILWAY CO'S. BILL.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (68) "An Act respecting the Montreal Park and Island Railway Company," with certain amendments. He said: The first amendment is in clause 3 relating to the capital stock, with the right to increase it to $1,000,000. It read originally "when a majority of shareholders shall so decide," and the committee made it, "when the majority in value of the shareholders shall so decide." Then in clause 6 the annual meeting of the shareholders was fixed for the 1st December; at the request of the promoters of the bill it was made 3rd December, and the shareholders were reduced from 75. In the 16th clause it originally read "The Montreal Park and Island Railway Company, and the Montreal City Passenger Railway Company may enter into an agreement." It was pointed out that we had no jurisdiction over the Montreal Street Passenger Railway, and therefore the clause was altered so as to read "The Montreal Park and Island Railway Company may enter into an agreement with the Montreal Street Passenger Railway." These are the only amendments.

Hon. Mr. OGILVIE moved that the amendments be concurred in.

The motion was agreed to, and the bill was then read the third time and passed.

## ATLANTIC AND LAKE SUPERIOR RAILWAY COMPANY.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (73) "An Act respecting the Atlantic and Lake Superior Railway Company," with an amendment. He said: The amendment is in clause 4, where power is given to the company to issue one-fourth of its capital stock as preferred stock, upon such terms and conditions as may be agreed upon by the shareholders of the company at a general meeting called for the purpose, and the committee have thought fit to add "at which meeting at least two-thirds in value of the shareholders are present in person or represented by proxy."

Hon. Mr. OGILVIE moved concurrence in the amendment.

The motion was agreed to and the bill as amended was then read the third time and passed.

## ADDRESS TO HER MAJESTY.

Hon. Mr. READ (Quinté)—Before the Orders of the Day are called, I should like

to ask the government if it is their intention to ask Parliament to pass an address to Her Majesty the Queen, on the occasion of the birth of the son of the Duke of York?

Hon. Mr. ANGERS—I have to inform the House that it is the intention of the government to ask Parliament to pass an address on the occasion of the birth of the son of the Duke of York. I may also state that the Government through His Excellency, have already expressed to the Queen and to the Duke of York, their congratulations upon the happy event.

## INSPECTION OF ELECTRIC LIGHT BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (118) "An Act respecting Inspection of Electric Light." He said: I do not intend to refer this bill to a Committee of the Whole before Monday, and I shall then be in a position to give to the House the necessary explanation.

Hon Mr. SCOTT—I do not rise for the purpose of opposing this bill, because I doubt whether any of us is capable of analysing and expressing any intelligent opinion upon the bill. It is one which is purely a matter for experts. I simply rise to call the attention of the House to the fact that so many important bills are being introduced at the end of the fourth month of the session. For the first three months this House devoted very considerable time to the Insolvency Bill, as we supposed perfecting that, and we find all our labour on that subject is practically lost so far as this session is concerned, because it is quite evident that the bill is not to go through the present year. No doubt it will be all discussed and probably a very considerable number of changes made in the coming year, but it is not treating Parliament fairly that the Government should wait until the very end of the session before introducing so many important measures. I was just running my eye over some of the bills that have been brought down at the very end of the session, which might just as well have been considered at an earlier period when we could have given them a thorough examination and perhaps considerably improved them. There is the Audit Act, the Act amending the Criminal Code, the Fisheries Act, the Post Office Act, the Act relating to Judges of Provincial Courts, the Civil Service Act, Petroleum Inspection Act, the Indian Act, Inspection of Electric Lights, which is now before us, Fraudulent Marking, the Irrigation Bill, which is exceedingly important. We pass the clauses in this House, just reading the marginal notes, and not giving the bill that consideration which a measure of its importance demands. Then there is the bill relating to Lands in the Territories, the bill relating to Masters and Mates, Refuge for Females in Ontario, North-west Mounted Police Act, Steamboat Inspection Act, and a variety of others, all introduced in the last week or two of the session—since the 1st of July at any rate. My hon. friend shakes his head, not as denying the fact, I am sure, but as pleading that it will not be done again. It has been repeated year after year. It seems to have been the policy of the Government that the important measures which we desire to push through Parliament were kept back until the House was wearied with legislation. The country has ceased to take any interest in what is going on in Parliament, and the debates are not now read, and the public take no interest in the proceedings of Parliament at the present time. We have present now, I suppose, not more than one-fourth of the ordinary number of Senators, only twenty odd members. We see that the majority of seats are vacant and yet we are called upon to dispose of this important legislation. There is really no excuse for it, because many of those bills are prepared, in fact all of them, in the departments, and the officers ought to be told that if they desire any changes in the laws affecting the various branches of the Government, the bills ought to be prepared before the session commences. Of course we have a perfect illustration of it in the Tariff Bill. That measure has not come to us yet. I suppose it will come to us about the time the guns are firing when His Excellency is coming to give his assent to the bills. I notice by the papers that changes are being made in the tariff still. Notice was given a day or two ago of considerable changes. We had hoped, and it was semi-officially announced, that Parliament would rise this week, but we are told now that it will not rise for some days—probably not before the end of the week. It

is certainly an easy matter for the Government to adopt the principle that general measures that have to be brought before Parliament ought to be prepared in the recess, so that they can be introduced at an early period of the session when members are fresh and active and prepared to take a lively interest in legislation, and not at the very fag end of the session when everybody is tired and the great majority of members have left for their homes.

Hon. Mr. ANGERS—I am surprised at the remarks of the leader of the Opposition upon this point. He would give the House to understand that we have been kept idle until to-day. As to the work that has been done by the Senate in relation to the Insolvency Act, it is most useful, and if the bill is not passed this session in the House it will be useful for next session.

Hon. Mr. SCOTT—No doubt about that.

Hon. Mr. ANGERS—As to bringing all the legislation in the last few days of the session, the hon. gentleman has read a long list. To show how inaccurate that statement is, it is sufficient for me to point out a single instance among the bills that he has referred to as coming late in the session. There are bills in that list which were initiated and passed by the Senate, such as the Indian Act. That was a Senate bill, and it comes back to us now, amended very slightly from the Commons. As to the bill in relation to the post office, any member who has read it will see that it is legislation that might come at the very last hour. What is the object of it? To allow publishers of newspapers to circulate free, as they do to-day, their bills to subscribers, invitations to subscribe to the paper including an envelope with printed addresses. The bill referring to the provincial courts, it is simply a bill of two clauses, one of which is to amend the Dominion law, so as to make it coincide with the local law of the province of Quebec, and the other clause to provide for the salary of an additional judge in British Columbia. Surely those are not matters that will take the House by surprise, or which warrant the hon. gentleman in charging the Government with wishing to impose upon the House legislation at the very last moment so that they would not be able to consider it.

Hon. Mr. SCOTT—I named 21, I think. I could name many more.

Hon. Mr. ANGERS—I did not refer to them all, but a number of those bills were initiated by the Senate.

Hon. Mr. ALLAN—There is no doubt that in the past we have had reason to complain of the action of the Government in bringing up important measures at the end of the session when it was almost impossible to give them due consideration. It is on record that this House on one occasion showed its sense of such treatment by refusing even to consider a very important bill which was brought up within the last few days of the session, but I really do not think my hon. friend from Ottawa is altogether fair in the criticism he has uttered with respect to the course of the Government in this particular session, because this year the Senate has reason to feel satisfied that several government measures were first introduced in this House and in ample time to consider them fully. With regard to this very bill to which my hon. friend has referred specially, the Irrigation Bill, I presume if any hon. gentleman had desired to have every one of these clauses read at length, it would have been done at once. There was no special hurry used in passing this bill through the chamber in any way, but I fancy that the majority of the members felt themselves in the same position that I was in, that it was a subject with which they were not very intimately acquainted, and as I noticed that several hon. gentlemen, like my hon. friend from Calgary, appeared to be keeping a watchful eye on the bill and suggested desirable alterations in various clauses, I for one did not consider it necessary to have all the clauses read at length, I do not think therefore that it can be said that this bill was hurried through because it happened to come to us towards the close of the session, and there are other measures which it is impossible to avoid bringing in at a late hour. However, on the whole, I feel that I can congratulate the Government on the fact that they have done better this year than formerly, and I would express the earnest hope that in future they will do the same and give us a fair share of the work

by initiating Government bills in this House which may be considered here much more thoroughly (if they are introduced early,) than they are likely to be in the House of Commons. There is one other point which I may advert to and that is this: with reference to the sessions of Parliament. The late period of the year at which they are held is not only inconvenient but the length of time to which they are prolonged is becoming such a burden that by-and-by all, except gentlemen who make politics a profession, will find it so inconvenient that they will prefer to abandon parliamentary life altogether. If the session began not later than the middle of January, it would be at a time of year when almost every gentleman, no matter what his particular pursuit may be, whether lawyer, merchant or farmer, could attend here with much less inconvenience and, I venture to say, discharge his duties more efficiently, because undoubtedly when a man feels he is being kept here for a great length of time and at a period of the year extremely inconvenient to him, he would be very much disposed to hurry through the work instead of giving it careful and proper consideration.

Hon. Mr. CLEMOW—It is premature to introduce the bill that is now before us. As we all know, electricity is in its infancy, and no such bill has been introduced in England, Germany or the United States where we know electricity is far more advanced. The bill, I suppose, has been framed with the object of rendering some service, but it has come from the Inland Revenue Department—a department noted for bringing in experimental legislation—and I do not think it should be proceeded with. A number of the clauses of that bill require considerable amendment, and we need competent men to carry out the provisions of the Act. We have not those men in the country at the present time and I question whether there are men in the States who would undertake it. We have not arrived at the stage yet to deal with this matter. I think it would be far better to withdraw the bill this year and get the information at the next session of Parliament, and then we will be able to give the subject full and fair consideration. It would be advisable, under all the circumstances, that this bill should be dropped until next session.

Hon. Mr. ANGERS—In answer to the hon. gentleman from Rideau Division, who advises the withdrawal of the bill on the ground that next year the Government will have more information, I may tell him that his advice is premature. He does not know what amount of information the Government have about it. I did not give any, but on Monday, if I move the House into Committee of the Whole on this bill, I shall give explanations, which I hope will satisfy the House. If they do not satisfy the House, then we can dispose of the measure accordingly. As to the principle involved in this bill, it is simply the inspection of meters that measure out electricity to consumers, the same way that there is inspection of meters that measure out gas to consumers. I trust the House will accept the second reading of the bill without any further explanation, with the understanding that in Committee of the Whole I shall give full explanations.

Hon. Mr. POWER—As the hon. Minister in charge of the bill has said that he will give the necessary explanations when he moves the House into Committee of the Whole, and also that the House will then be as perfectly at liberty to reject the measure as at the second reading, there is no object in voting against the second reading of the bill. I do not suppose that the hon. gentleman from Rideau division proposes to divide the House on the motion for the second reading to-day. As far as my own information goes, I am disposed to concur with the hon. gentlemen from Rideau, although I am not very strong on the point. If they have not reached a state in England, where a great deal of care is taken in dealing with matters of this kind, when they are prepared to introduce a measure similar to this, we might wait a little longer, unless the Government are able to show that abuses have arisen under the present system, and that there is a crying demand from consumers of electricity for inspection. If the public were suffering, then it would be the duty of the Government to introduce some measure to give them relief. With respect to the matter referred to by the hon. leader of the Opposition, I wish to say at the outset that I concur in what was said by the hon. gentleman from York, who expressed his regret at the fact that Parliament has been summoned so late in the year that the work of the session could not be done when it should be done, and members must remain here at a time of the year when business men

wish to be at home. I cordially endorse what the hon. gentleman has said to the effect that if this system, which has been in operation now for some years, be continued, of summoning Parliament together at irregular and inconvenient dates, in a little while only two classes of men will be able to come to Parliament—gentlemen who are the possessors of large fortunes and who are not called upon to do any business in order to make a living, and the kind of men who expect to make a living out of politics. It would be most undesirable that the men who are really carrying on the business of the country and who are in touch with and whose interests are the same as those of business men of the Dominion, should be excluded from Parliament, but that result will follow from a continuation of the system which prevails now. The hon. gentleman from Ottawa, although he may have been in error as to one or two of the measures which he mentioned, was substantially correct as to the great bulk of them. When Parliament was summoned for the middle of March, about two months later than it met last year, the various departments should have had their measures ready to submit at the opening of the session; instead of that, these measure have been introduced in both Houses during the past few days. That is a highly objectionable condition of things and shows that the Government have been derelict in their duty to the public and to Parliament.

Hon. Mr. KAULBACH—I do not know any session in which the work was so well prepared in advance of the meeting of the House as this session. The Government were ready with a large number of their bills, including the tariff bill.

Hon. Mr. POWER—It is not through yet.

Hon. Mr. KAULBACH—That is not the fault of the Government. They submitted it early. It is an extensive bill, covering every branch of trade and industry, and it took a large amount of time, largely through the opposition in the Lower House. The Government brought down their bills more rapidly at the opening of the House this session than in any other session that I have known for a long time. As far as the Senate is concerned, we have had more than the usual share of work, and it is all due to the indefatigable industry of the two leaders of the House. I quite agree that this House should have even more work than we have had this session. We are prepared and able to do more work than we have had submitted to us and to do it well. I agree that it would be desirable to have Parliament assemble at an earlier period of the year. No doubt members representing various branches of trade and industry, though largely interested in legislation do not feel equal to being here at this season of the year when their presence is needed at home. It has not occurred often —only four or five times since I have been here—that we have had sessions so late in the summer. I hope it will not occur again. From the intimation given in another place, I think the next session will open early in the year.

Hon. Mr. McINNES—What is the date?

Hon. Mr. KAULBACH—I heard it stated that it might meet within 6 months of this time. Certainly a late meeting of Parliament is injurious to all who are interested in the business of the country and should be denounced whenever it cannot be justified by the Government.

Hon. Mr. ANGERS—The session of 1893 began on the 27th of January, an earlier date than ever since Confederation, and it closed in April following. The present session was called late, but the House is fully informed of the circumstance under which Parliament had to be convened so late as the middle of March. The reason has been considered a good and sufficient one. As to the legislation in this House to which reference has been made, the Irrigation Bill was originally introduced in the House of Commons. We cannot control the date at which they send us their bills. They are the masters of their own legislation, and if there is delay in putting a Government bill through, it is not due to the Government as a rule, but to the Opposition, who perhaps prolong unduly the debate upon it. As to the tariff not being here yet, it is the Opposition that have absorbed four months of the time of the House in discussing it. I do not say that those speeches were useless, but upon every item of the tariff they had a very prolonged discussion, and

therefore it has not reached this House as yet. We are told that the Irrigation Bill was pressed through this House too fast. It was a very simple bill. There were five clauses in it that involved the whole principle of the bill, to determine who should be in future the owner of the water, how it should be disposed of, and how companies could, for the general good of the country, erect works. After those five clauses had been accepted by the House, the remainder of the bill merely provided machinery for the operation of the Act. The details of it are known to every one here, and to the country at large. They are the principles on which railway companies are organized, and on which they expropriate property—the approval of the plans, the regulation of the tariff for the distribution of water, &c.—surely there can be no grievance that such a bill went through in three days. The bill was not hurried through the House unduly when we took three days to consider it.

Hon. Mr. McINNES (B.C.)—The more this subject is discussed, the more convinced must every unbiassed member of this House—and I suppose they are all unbiassed—of the truthfulness of the statement made by the hon. members from Ottawa and Halifax. The hon. leader of the Government has endeavoured to explain why we are in session up to the present time. He did not tell the House why Parliament was not called together in January, as it should have been, but called on the 15th March. When we should have been about through with the work of the session, Parliament was convened. There is no justification for this act of the Government—the hon. gentleman may shake his head, he is at home here and does not feel the great loss and inconvenience and hardship entailed on members who live a long distance away from the seat of government. I say it was inexcusable, and no attempt has been made by the leader of this House, or the leader of the other House, as far as I am aware, to explain why the meeting of Parliament was postponed until the 15th of March. A few years ago it was stated that a certain political element in this country were always looking to Washington for their policy, but it can be more than insinuated that the present Government had been looking to Washington for their policy for two or three months before they convened Parliament.

Hon. Mr. ANGERS—Not at all.

Hon. Mr. McINNES (B.C.)—I do not think that the Government have been doing anything wrong, but I say it was unfair for them to charge the Opposition, as they have time and again been doing, of looking to Washington for their policy when it was an undoubted fact, which every one here must know, that the reason the Government did not convene Parliament in January, as it did in former years, was simply because they were waiting to learn the result of the Wilson bill in Washington. It was generally understood, from one end of the country to the other, and I do not blame the Government for it, but I think they ought to be honest enough to acknowledge it.

Hon. Mr. ANGERS—That was not the cause at all, and I cannot acknowledge it.

Hon. Mr. McINNES (B.C.)—I suppose the hon. gentleman is not in the witness box and will not acknowledge it. But speaking of the tariff, did not the Finance Minister and the Minister of Customs or the Controller of Customs and other members of the Government, including the hon. gentleman who leads the Senate to-day go from one end of the country to the other finding out the changes that were necessary to be made in the tariff?

Hon. Mr. ANGERS—Certainly, and that was the cause.

Hon. Mr. McINNES (B.C.)—I recollect hearing his melodious voice in the Northwest and other portions of the Dominion going through the country from the Atlantic to the Pacific for months and months before convening Parliament and they surely ought to have had time enough to consider and prepare a tariff, and once it was introduced in the House of Commons, and the Finance Minister made his budget speech, surely it ought to have been fixed for that year at least. On the contrary, it was left over from week to week, and delegations came here from different portions of the Dominion, wanting changes in various parts of the tariff, and consequently the bill has been postponed until the present time, and they are not through with it yet in the House of Commons. It is unfair to the Senate and to the country and to traders generally.

Once the policy of the Government was announced, it should have been fixed for a year at least. I hope Parliament will not be called together here again for a summer session. I hope the hon. gentleman and his colleagues will have a little more consideration, at least for those who have to come a long distance and not keep them here during the sweltering heat of the summer.

Hon. Mr. MACINNES (Burlington)—The hon. gentleman from Victoria has himself furnished very good reasons why the Government have taken time to consider so important a measure as the tariff. He has told us how the hon. leader of the House accompanied by another Minister, went through the country, ascertaining the views and opinions of the public. That surely is a proper proceeding and not one to be criticised adversely. On the contrary, it is a proceeding worthy of all praise. With reference to the House being called at a late period, I do not know what the reasons were, not being in the secrets of the Government, but if the true reason has been mentioned by the hon. gentleman, it was a very meritorious one. The hon. gentlemen opposite are very jealous of having any one else quote United States precedents, excepting themselves. If the reason why the Ministers did not call Parliament together sooner was that they wanted to watch legislation in the United States on so important a subject as the tariff, they are not to be blamed. Hon. gentlemen opposite are very fond of pointing to the United States, and what is being done there. I have no objection to that. With reference to the speed with which legislation is conducted in this country, I think it will bear very favourable comparison with the manner in which legislation is carried on, not only in the United States, but in England also. Across the border they have been discussing the tariff for nearly six months, and they have not reached a conclusion yet. I do not know how much longer they will be.

Hon. Mr. PERLEY—They are killing each other now in consequence of it.

Hon. Mr. MACINNES (Burlington)—I do not know whether that is the reason. It appears to me the criticisms made against the Government on this occasion are entirely uncalled for—entirely wrong. As far as the legislation in this House is concerned, I think we have done our duty nobly this session. We are always prepared to do our duty whenever we have anything to do, but we have had plenty of work to do this session, and we have done it to the best of our ability. If the reason for putting off the calling of the session until the 15th of March was owing to what has taken place to the south of us, I think it is a very proper reason for postponing the session beyond the usual time. As far as the tariff in the House of Commons is concerned, of course the discussion has been a long one. We could not expect anything else. In that House there are gentlemen who are free traders, there are revenue reformers and protectionists, and it is to be expected, under these circumstances, that the session would be a long and tedious one. I think the discussion has been very ably conducted. I do not mean to say that the Opposition were wrong in discussing the tariff. It was their duty to do so. I do not assert that the session has been needlessly prolonged through the discussion of that tariff. The work has been important, and I think thorough.

Hon. Mr. PRIMROSE—The criticisms which have fallen from the Opposition with regard to the Government have been most unfair and ungenerous. With regard to the bills which have been brought down recently, none of them have been of such a very grave character as to require special consideration, and that they have suffered at all by being brought in at so late a period in the session, I very much doubt. In regard to the Irrigation Bill, as has been already said, there were members present who were thoroughly conversant with the provisions of that measure who looked after it during its passing through the House at the various stages. So far as my experience goes, and from what I can gather from those who have been longer in this House than I have been, I infer that the work of this session will bear very favourable comparison with that of other sessions, of recent date at any rate. I think it comes with special ill grace from hon. gentlemen opposite to taunt the Government with looking to Washington. If they will turn their eyes to the other House, they will find at least some members of that House who have looked to Washington with a vengeance, with regard to timber matters especially. If they want a precedent of that kind they should go to the other House.

Hon. Mr. McINNES (B.C.)—That was a private individual—not a member of the Government.

Hon. Mr. PRIMROSE—With regard to Washington, I do not see anything very reprehensible in the Government looking to Washington to see what Congress is doing in order to properly frame their own policy. With regard to the session having been called so late, I, as a business man, have felt that perhaps as much as any member of this House, and I know a great many in the other House who also have felt it, but still I am ready, and these gentlemen have expressed themselves willing, to sacrifice personal convenience for the benefit of the country, since it was scarcely possible for the Government to have called us together earlier. Some hon. gentlemen have spoken slightingly of the action of the Government in consulting the views and interests of the people before adopting the tariff.

Hon. Mr. POWER—No one found fault with that.

Hon. Mr. PRIMROSE—I think it was found fault with. There is nothing in the action of the Government in that regard that can call for the condemnation of any one in this House.

Hon. Mr. McINNES (B.C.)—I know that the hon. gentleman does not wish to misrepresent me, but what I stated was that I did not find fault with the Government for getting all the information they possibly could in the recess, but once the Budget speech was made, they ought to have adhered to the policy laid down in that.

Hon. Mr. PRIMROSE—Had it not been for the action of the Opposition in the lower House, the business would have been much further advanced. Hon. gentlemen may laugh, but that is a matter that is patent to the public and to any one who has followed the proceedings there. With regard to what fell from the hon. gentleman from Lunenburg, I wish to endorse thoroughly the sentiments expressed by him. So far from finding fault with the action of the leaders in this House, we have every reason to congratulate the Government and the leaders of the Senate on the progress which has been made. Under the circumstances, that progress has been very creditable, and had it not been for the diligence, energy and ability with which this House has been led, such progress would not have been possible. I regret very much the expressions which have fallen from hon. gentlemen of the Opposition; they are unworthy, ungracious and unfair.

The motion was agreed to and the bill was read the second time.

## UNITS OF ELECTRICAL MEASURE BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (117) "An Act respecting Units of Electrical Measure." He said: With the same understanding, and in view of the great harmony that existed on the previous bill, I move the second reading of this bill, intimating to the House that I shall delay the committee stage until next Monday for explanations and information.

The motion was agreed to, and the bill was read the second time.

## FRAUDULENT SALE OR MARKING BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (123) "An Act in restraint of Fraudulent Sale or Marking." He said: One part of this bill refers to honey, as you will see by schedule B. When we go into Committee of the Whole, I shall move that this word be struck out, because there is at present before the Commons a bill the object of which is to prevent the making of artificial honey which is prepared in the following manner: glucose or molasses is spread before the bees in the hive, and they feed from that solely and they turn this into the cells so that really that kind of honey is not honey at all, but dressed molasses or glucose put into the cells by the bees.

Hon. Mr. SULLIVAN—Can you distinguish it from good honey?

Hon. Mr. ANGERS—Yes, you can distinguish by analysis and by the flavour. If the other bill goes through the House of Commons, I will then move to strike out

this word, because this does not go sufficiently far to prevent the fraudulent fabrication of the article which is sold as honey and which is really not honey.

The motion was agreed to, and the bill was read the second time.

## PETROLEUM INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (122) "An Act further to amend the Petroleum Inspection Act."

(In the Committee.)

On clause 1,

Hon. Mr. POWER—Something was said about this clause yesterday and I propose to say a few words about it to-day. In 1893 an Act was passed reducing the temperature to 90 degrees, and now it is proposed to further reduce it to 85 degrees. The hon. Minister gave an explanation, which may have been satisfactory to some members, of the reason which had induced the Government to make this change. I referred to a discussion which had taken place some years ago when the law, as it appears in the Revised Statutes, was passing through this House; and I find that in the session of 1881 the Hon. Mr. Aikins, who had charge of that measure seemed to think that making the flash test high was a very important matter. He speaks of the flash test having been raised during the previous year, 1880, and then states that prior to that the flash test was lower, and that accidents were frequent and he says that since the change made in the previous year, which had raised the flash test to 95 degrees, he was not aware that any accident had occurred. He said:

> In consequence of the flash test having been raised not one accident that I am aware of has occurred in the Dominion during the past year.

And I commend this to the consideration of the hon. gentleman from Kingston. Prior to that, numerous accidents had occurred—that is, when the flash test was lower. He says:

> I do not think it would be wise to lower the flash test of Canadian oil.

And that view was concurred in by the House. He also said:

> The object of the Government is to protect the public.

Now the Government are simply going back upon their record. This high flash test was introduced at that time in the interest of the safety of the public. Now the Government propose to go back to the more dangerous condition of things which had prevailed, according to the then Secretary of State, under the lower test. I do not wish to be uncharitable, but if I were disposed to be uncharitable, I should take this view of the matter: The test was reduced from 95 to 90 last year; last year the Government under pressure from the Opposition decided to make some concessions to the consumers of petroleum, and it strikes me that in all probability the reduction in the flash test was made for the purpose of making things a little easier for the producers of petroleum. They were going to lose a little of their protection through the legislation of last year in the direction of affording facilities for importing oil in tanks and otherwise, and this reduction of the flash test was intended as a compensation for what they were giving up. During the present year, as the result of pressure throughout the country, voiced in Parliament by the Opposition and by supporters of the Government too, a further reduction has been made in the protection given to the producer of coal oil. As I say, if I were an uncharitable person I should be disposed to think that this reduction in the flash test is intended as a sort of compensation to the Canadian producers of oil for the reduction in their protection which has been adopted by Parliament this year—at least which is in the Tariff Bill, I cannot say adopted, because we do not know but that the Minister of Finance may yield, as he has done in other cases, to the pressure of the manufacturing elements and reinstate the duty which prevailed at the opening of Parliament.

Hon. Mr. SULLIVAN—I exceedingly regret that the member for Halifax should entertain or give utterance to the sentiments which he has expressed in this House on the present occasion. That any Government should be so base, or cruel, as to sacrifice the interests of its whole people and endanger their lives for the purpose of any

concession to the coal-oil men, is an idea which I did not think the hon. gentleman would entertain for a moment.

Hon. Mr. POWER—I do not wish to have sentiments attributed to me which I did not utter. I said if I were uncharitable I might take that view.

Hon. Mr. SULLIVAN—That is what it means. It is immaterial what Mr. Aikins said, or what the hon. gentleman thinks he said on the matter. It is a matter of pure science and chemistry, and if the Government take the opinion of the best experts on this matter it is quite sufficient to submit to their opinion, because we have no other data on which to form an opinion except the practical means which the hon. gentleman gave yesterday. Now, I have nothing further to say in the matter, but I presume the Government have given the chemical part of it due consideration, and I have had a conversation with a gentleman whom I met from Petrolia this morning at the hotel, in which he stated that this is the highest test established in any country in the world—that there is no country which requires a test as high as this. In Germany, Belgium and France and in the United States it is lower than this. I hope that will be satisfactory to the hon. gentleman and he will not entertain these cruel views any longer.

Hon. Mr. ANGERS—I hope that after the explanation of the hon. gentleman from Kingston, the hon. member from Halifax will become really as charitable as he wishes to appear. The test was originally 95; subsequently it was reduced to 90, and now it is proposed to bring it down to 85. The test required for England is 73; New York, Pennsylvania and many other states, 73; Germany, 73; Russia, 82. It is thought that 85, without any "cruelty to the consumers and without lack of charity," is sufficiently safe and involves no danger. It is thought that 85, while being quite safe, will permit of the production of a better oil from Canadian crude oil, which is heavier than United States crude; so that if the reduction is made it is justified by the special nature of the Canadian crude oil.

Hon. Mr. POWER—I called attention to the somewhat singular coincidence, that the increase made in 1880 in the flash test was 10 degrees, and that the Minister who had charge of the bill at that time said that prior to that change numerous accidents had occurred. Now we have just taken off the 10 degrees additional protection given by the Act of 1880.

Hon. Mr. ANGERS—I must mention to the House this fact, that from the time the hon. gentleman speaks of, considerable experience has been acquired as to the manufacture of the oil itself, and especially with reference to lamps. You can have the best coal oil possible at the highest degree, and if you do not put it in a proper lamp it will explode, whilst they have made such progress in the manufacture of lamps with lamp ventilators that they will burn, without any danger, coal oil of a lower degree.

The clause was adopted.

On clause 5,

Hon. Mr. POWER—In the interests of the people in the Maritime Provinces who import their petroleum chiefly in vessels, I would ask why the Government have not thought proper to allow the importation of oil in tank steamers as well as in tank cars. We in the Lower Provinces, who are far away from the oil wells of Ontario, and have to pay a higher price for Canadian oil than consumers in this vicinity, have not the privilege of getting the oil in tank vessels as we should.

Hon. Mr. ANGERS—It is for the protection of your schooners and vessels. That is the reason. Nova Scotia and New Brunswick occupy a special position as to this. If you allowed oil to be brought in tank steamers they would be running in opposition to your own schooners. Under the present system your vessels carry freight to Portland and Boston, and get a return freight in oil in barrels which they would not have if the mode advocated by the member for Halifax prevailed.

Hon. Mr. POWER—I think that the explanation is fairly satisfactory. I am glad to find that the hon. Minister takes such an interest in the owners of sailing vessels in Nova Scotia, and I would ask him why, if those are his principles, he continues to be a

member of a Government which pays large subsidies to steamers running to the West Indies which take the business away from our sailing vessels.

Hon. Mr. ANGERS—For the purpose of creating a trade there; and they are not the same class of vessels.

Hon. Mr. KAULBACH—The people of Nova Scotia are desirous of extending their trade to the West Indies, which they cannot do in the ordinary schooners.

Hon. Mr. POWER—I should like the hon. gentleman to preach that down in Lunenburg.

Hon. Mr. DESJARDINS, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (154) "An Act to amend the Acts respecting the Civil Service."

Hon. Mr. VIDAL, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## JUDGES OF PROVINCIAL COURTS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (155) "An Act further to amend the Act respecting the Judges of Provincial Courts."

(In the Committee.)

On the 2nd clause,

Hon. Mr. KAULBACH—I am one of those who believe in upholding the dignity and the high character of the Bench. The safety and happiness and peace of every community depend largely on the confidence that the people have in the judiciary. People should feel that their rights are safe under the law, and that the judiciary give wise and impartial judgments. Now this bill proposes to increase the salaries of certain judges.

Hon. Mr. ANGERS—It is to provide for the salary of an additional judge who has not been appointed yet.

Hon. Mr. KAULBACH—I am drawing attention to the salaries given to judges in those remote districts, where there can be very little law and very little variety in law. The capacity of a judge in such a place may be as limited as the business he has to do. To my knowledge, judges have been appointed in some of those districts who lacked the legal knowledge and practice in the courts necessary in more populous localities. For the last 15 years I have brought before the Department of Justice the case of the county court judge of Halifax. Every Minister of Justice has admitted that the case is one which deserves consideration, and has promised, in any readjustment of salaries, that the injustice would be remedied. I refer to the inadequate salary of the judge for the metropolitan city and district of Halifax, as compared with the salaries given to county court judges elsewhere. The judge should be paid according to the amount and importance of the work he has to do and the expense of living. A more worthy judge, or one having such an extended business cannot be found in any court in Canada. His judgments have generally met with the approbation of the public. The questions that come before him generally are more varied and complicated and demand more legal research than in ordinary county courts. The principle of giving a larger salary to the judge of the metropolitan county in a province was recognized when the salary of the county court judge of St. John, N.B., was increased. Why the same principle was not applied to the Halifax judge I am at a loss to conceive. Time and again have I brought this matter to the notice of the Justice Department, and have been given reason to hope that in any bill for readjustment of salaries this gross injustice would be remedied. Judge Johnston by legal attainments and ability would not discredit the highest court in Canada. I doubt if any judge in Canada does more work or enjoys to a greater extent the confidence of

the community, while his knowledge of law and his impartial decisions are universally recognized where he is known Certainly he should have more than the country judges receive, and a great deal more than is allowed in this bill to judges in remote portions of British Columbia, where they can have very little to do. I hope that my hon. friend, who knows the necessity of having the judiciary fairly remunerated for the proper administration of justice, will recognize the fairness of my demand, and I hope that he will take an early opportunity to bring the matter to the attention of his colleagues with a view to having the grievance removed, for, with this open and flagrant injustice to Judge Johnston, those who know his case cannot well relieve those most responsible from the censure which such a gross injustice of such long standing deserves.

Hon. Mr. DEVER—As by implication my late friend Mr. Watters of St. John has been brought into this debate——

Hon. Mr. POWER—How has he been brought in?

Hon. Mr. DEVER—Reference was made to the County Court judge of St. John.

Hon. Mr. KAULBACH—I made no reference to a judge. I referred to a court.

Hon. Mr. DEVER—It was stated, or the language implied, that that gentleman received more salary than judges of the same grade, and especially the County Court judge at Halifax. I am not sure of that. I have heard the complaint made that the late Judge Watters was not raised to the Supreme Court. He had been a prominent member of the Cabinet of New Brunswick prior to Confederation, and it was always believed that the first appointment to the Supreme Court Bench should be offered to Judge Watters. That was not done, but he was appointed a County Court judge, and if he received more salary than other County Court judges, it is because he came to the conclusion that, owing to ill-health, he would not accept a seat on the Supreme Court Bench. In consideration of his public services, a second judgeship was offered him, which enhanced his salary, so that it brought it almost up to that of a Supreme Court judge. He was made Judge of Admiralty, but I am not aware that his salary as a County Court judge was larger than that given to other County Court judges. If the citizens of St. John could have accomplished what they wished, they would have had him raised to the Supreme Court Bench, but in his latter days, his health was not good, and he felt satisfied with the position that he held. I trust that no one will raise the issue that he received anything more than judges who filled equally important positions.

Hon. Mr. KAULBACH—I knew Judge Watters very well, and I did not wish to make any invidious comparisons. I believe that he was all that my hon. friend says, and that his salary was not too large, but certainly the salary of the County Court judge of St. John is, in amount, out of proportion to what the judge of the City and County of Halifax receives.

Hon. Mr. POWER—This discussion is perhaps out of order, but I wish to express my entire concurrence in what has been said with regard to the qualifications of the County Court judge of Halifax by the hon. member from Lunenburg. That judge has now occupied his position for about 20 years. He is a sound lawyer. The hon. gentleman is probably quite correct in saying, with respect to his knowledge of law, that he is qualified for a seat on any bench in Canada. Halifax is an expensive place to live in, and Judge Johnston receives only the same salary that is given to judges in rural districts. The County Court judge of Toronto, which is looked upon as a metropolitan city, receives a larger sum than the County Court judge of Halifax. Judge Watters, to whom the hon. gentleman from St. John referred, received $1,200 a year more than the County Court judge of Halifax. No one is finding any fault with the salary paid to that judge; the fact was stated, and the hon. member from Lunenburg pointed out that other judges, whose positions are not more important than that of the County Court judge of Halifax, are receiving larger salaries. That is a fact. There is no metropolitan county judge who receives so small a salary as the judge for Halifax, and I think it would be only the merest justice that, after his 20 years' service, he should receive the same salary as the County Court judge of St. John who was appointed only a few months ago.

Hon. Mr. DEVER—Will the leader of the Government be kind enough to tell us how much the County Court judge of St. John receives now?

Hon. Mr. ANGERS—I cannot say, but I know the gentleman who fills the position of judge of the Admiralty Court receives an additional sum.

Hon. Mr. POWER—Judge Watters received $600 more than Judge Johnston did, in addition to his salary as judge of the Vice-Admiralty Court.

Hon. Mr. ANGERS—I agree with those who say that the judges of this country are not sufficiently paid in proportion to the services they render, and also in proportion to the salaries that men in other pursuits of life get. We have not one of our judges, even a Supreme Court judge, who gets the salary of the manager of one of our first banks. Yet the fortune of that very bank, and all the fortunes of the citizens, are subject to the proper administration of justice. It is not a matter that this House can much interfere in. It must be dealt with in the House of Commons, but I suppose remarks like those which have been made here are calculated to enlighten the people whom they will reach.

Hon. Mr. DEVER—The late Sir John Macdonald told me he regretted exceedingly that he could not give Mr. Watters more pay, because he could not give him more than he gave the judge at Halifax, so there must be some misunderstanding.

Hon. Mr. KAULBACH—There is no misunderstanding.

Hon. Mr. SULLIVAN, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## SECOND READINGS.

Bill (126) "An Act further to amend the Criminal Code, 1892.—(Mr. Angers.)

Bill (85) "An Act to incorporate the Boynton Bicycle Electric Railway Company."—(Mr. Read, Quinté.)

Bill (132) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company.—(Mr. Read, Quinté.)

Bill (JJ) "An Act further to amend the Post Office Act.—(Mr. Angers.)

## PONTIAC AND OTTAWA RAILWAY COMPANY'S BILL.

### SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (139) "An Act to incorporate the Pontiac and Ottawa Railway Company." He said: This bill is to incorporate a company to provide railway facilities for a part of the country that is yet without them. The people of Pontiac have been placed in a very unfavourable position, having contributed largely toward the construction of our railway system without deriving any advantage from this expenditure.

The motion was agreed to, and the bill was read the second time.

## FISHERIES ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (145) "An Act further to amend the Fisheries Act."

Hon. Mr. POWER—This bill led to a considerable discussion in the House of Commons. It affects a large section of our population, and I hope the hon. member will be prepared to give explanations of every clause when the bill is referred to a Committee of the Whole House.

The motion was agreed to, and the bill was read the second time.

## FIRST AND SECOND READINGS.

Bill (57) "An Act to incorporate the Gleichen, Beaver Lake and Victoria Railway Company."—(Mr. Perley.)

Bill (157) "An Act to again revive and further to amend the Act to incorporate the Brockville and New York Bridge Company."—(Mr. Clemow.)

The Senate adjourned at 5.20 p.m.

## THE SENATE.

*Ottawa, Friday, July 13th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BOYNTON BICYCLE ELECTRIC RAILWAY CO.'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (85) "An Act to incorporate the Boynton Bicycle Railway Company," with amendments. He said: There is only one amendment to the bill. As it originally stood the company took power to run from Winnipeg to Cape Breton and they thought they might make a little detour to a point on the Niagara River.

Hon. Mr. READ (Quinté) moved concurrence in the amendment.

The motion was agreed to.

## THIRD READINGS.

Bill (23) "An Act to incorporate the Edmonton Street Railway Company."—(Mr. Lougheed.)

Bill (82) "An Act respecting the Lake Erie and Detroit River Railway Company and the London and Port Stanley Railway Company."—(Mr. MacInnes, Burlington.)

Bill (138) "An Act to incorporate the Ottawa, Montreal and Georgian Bay Railway Company."—(Mr. Clemow.)

## POST OFFICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (JJ) "An Act to amend the Post Office Act."

Hon. Mr. LOUGHEED, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## FISHERIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (145) "An Act further to amend the Fisheries Act."

(In the Committee.)

Hon. Mr. ANGERS—The object of this bill is in the direction of protecting our fisheries and to better maintain the character of our fish in the markets, so far as the sale of lobster is concerned. It also provides that drifting for salmon shall not be allowed except under license and except in tidal waters of British Columbia and in the harbour of St. John, New Brunswick. The lobster fisheries are to be carried on in future under license. It also regulates the form and size of trap boxes used for the catching of lobster by prescribing that they shall be apart one and one-half inches, and that boats employed in this fishery shall bear the mark of the owner. It also regulates the canning of lobster. This is most important for the good reputation of the products of our fisheries, especially abroad. It has been the practice in some cases to can lobster unfit for use, and purchasers have been deceived. In the future canning shall be supervised. The owners and managers of lobster factories shall also be required to make a return to put the Fishery Department in a position to know exactly the revenue from those valuable fisheries and to keep track of them so as to prevent their destruction. Penalties are imposed for the infringement of any of the requirements mentioned in the measure. There is also a provision to require owners of factories to deliver to the minister, or a person appointed by him, the eggs collected in the packing, for the purpose of reproduction. There are penalties for defacing the marks and using cases that have not been properly branded, or old cases, and there is also a provision to prevent the pollution of waters and to provide for the proper connection between lakes by channels and canals and structures of fish guards, how these shall be kept in repair, and forbidding the catching of fish for manure, and penalties for infractions to the law. It also provides for the lifting of nets and opening of fisheries from Saturday to Monday morning so as to give the fish free access to the rivers.

Hon. Mr. KAULBACH—The object of this bill, my hon. friend says, is to preserve food-fish and also to regulate the curing of fish. Everything in the bill in that direction is very good, but there is an amendment to the 6th section which is not in the existing Act. Why is it so amended so as to embrace all kinds of fish, sea monsters and animals? Are there not fish that it would be well to kill by explosives or otherwise? Even in the case of the whale, which I have some knowledge of, would it not be well, instead of endangering lives by the ordinary mode of capture, to kill it by explosives? Also porpoises. In the lower St. Lawrence they become such a nuisance in some places that they not only drive all fish off, but destroy the fishermen's nets. So it is with the dog-fish. Whenever the dog-fish comes on our coast the fishermen must take up their nets, and there is a poor catch from hand lines. Does the hon. gentleman want to preserve those fish? I think that they ought to be excluded from the operation of this clause. On our coasts we have a very dreadful monster known as the sea serpent. Some people say they have seen it, and that it rises head and shoulder out of the water 15 feet, that it has a head and mane like a horse, and that sometimes it even goes on shore. I can vouch for the veracity of those who say they have seen it, but if there be such monsters should there not be permission granted to destroy it by explosives or in any other way? It is the terror of those of our shore fishermen who have seen it. It can, however, scarcely be called a fish, but is more of an amphibious animal, and I would use explosives on him if I had the chance. This is not what is generally called a "fish story."

Hon. Mr. ANGERS—It is not thought advisable to permit the use of explosives on account of the great destruction of valuable fish that it causes, but I dare say that if the hon. gentleman ever meets the sea serpent and slaughters it with explosives, His Excellency, exercising the prerogative of mercy, will exempt him from the penalty which he would incur under this section. As to the porpoise, it should not be killed by explosives either. There is a proper way of killing the porpoise without the use of explosives. They are caught in the river St. Lawrence by a simple process in large numbers—planting poles in such a way that the fish are caught inside of them and remain when the tide goes out.

Hon. Mr. KAULBACH—What about the whale?

Hon. Mr. ANGERS—The whale which is very valuable and used to be very numerous in the St. Lawrence, but it has been driven from there completely through the use of those deadly weapons, the use of which is forbidden by the Act. The Danes used to kill with the harpoon, or spear, and not with projectiles or shells.

Hon. Mr. KAULBACH—But we are living in an advanced age.

Hon. Mr. MACDONALD (B.C.)—I suppose the bill does not apply outside the 3-mile limit?

Hon. Mr. ANGERS—We could not enforce the law against foreigners beyond the 3-mile limit, but a British subject, on a British vessel, infringing the law would be liable to it even if the act were done beyond the 3-mile limit, but that is a very serious question of law which I do not wish to express a decided opinion upon. A man under the protection of the flag should respect the laws of his country.

On the third clause,

Hon. Mr. POWER—This clause, it will be observed, is new and imposes conditions upon the prosecution of the lobster fishery which have not existed in the past, and consequently I think should be scrutinized by the House with very considerable care. I can understand that it is desirable that no one should be allowed to pack lobsters without license, because considerable injury has been done to persons who carry on the lobster packing business in a proper way by persons who pack contrary to law, and put up fish caught at improper times and consequently an inferior article which, when it goes into foreign markets, is calculated to injure the reputation of Canadian lobsters generally. That is all reasonable enough; and the fee of $10 which is asked for the license is, perhaps, not too great. The provision in the 3rd subsection is not an unreasonable one. It is intended to allow very small lobsters to escape out of the

cages or cars; but with respect to the fourth paragraph, I think it needs some amendment:

All boats used in the lobster fishery and all cars used for holding lobsters shall have the name or other distinguishing mark of the owner legibly branded or stamped thereon.

I do not think there is any objection to that, because, in the first place, the owner of the car will have his name or mark stamped or branded on it, and it is necessary for the purpose of enabling the owner to be identified; but the last few words are objectionable:

Such name or mark shall be registered with the local fishery officer.

Now, hon. gentlemen, if there was a fishery officer always close at hand this might be reasonable enough, but I have in my mind's eye just now a settlement where there is a very extensive fishery carried on, and where there is no local fishery officer, and a man would have to travel about twenty miles before he reached the local fishery officer. I do not think there is any necessity for having the name or mark registered with the local fishery officer. If the owner's name, or mark, is marked or branded on the boat, or car, that is sufficient, and I do not see any object to be gained by having the name registered with the local fishery officer. I move that all the words in subsection 4, after "thereon," in line 53 be stricken out.

Hon. Mr. ANGERS—I think they should remain. The fact that they are required to register with the local fishery officer does not impose any trouble at all upon the persons who intend to carry on the fishery. The fisherman has to get a license from the fishery inspector or officer, and when he is getting his license it is easy for him to register his boats and car. It does not involve a special trip, because when taking out his license he can also register his boats and say "I am going to use ten boats in the carrying on of the fishery." That is all that is required. It is most important, for the statistics of the Marine and Fishery Department, that the Government should know how many boats are used in this enterprise, and consequently I see no hardship, and no necessity to amend the bill by striking out these words.

Hon. Mr. POWER—After the explanation made by the Minister I admit it does not involve as much trouble as I had supposed at first. The person seeking a license can give his name and mark when he gets his license. I shall not press the amendment.

The clause was adopted.

On clause 5,

Hon. Mr. POWER—There is one provision in that which is of questionable propriety. It is right enough that every case or package should be marked or stamped with the name of the packer and with the name of the article contained in it, but I do not see why this provision should be inserted that it shall be by such person as is designated by the Minister of Marine and Fisheries. It must be remembered that this business is at the present time perfectly untrammelled. Our lobster packers have to compete in the markets of the world with the lobster packers of other countries, and it is not desirable to impose any unnecessary restrictions upon them. The Minister of Marine and Fisheries might direct that the stamping should be done by some officer of the department. That would involve expense and trouble to the packer, and I do not see what is to be gained by it. As long as the case of lobsters is marked, labelled and stamped in such a manner as the Minister of Marine and Fisheries directs, that ought to be enough. There are provisions later on in this clause making the owners responsible if the fish do not come up to the brand in quality; and I do not think this provision with respect to the person who shall mark being nominated by the Minister of Marine and Fisheries should be retained. Hon. gentlemen perhaps do not realize, on a long coast where there is a straggling population, as there is along the Atlantic coast of Nova Scotia for instance, how much inconvenience lobster packers might be put to if they had to go and look for the fishery officer to brand their lobster cans, and I do not see that there is any special object gained by this. I move that these words "and by such person" in line 39 after "manner" be stricken out.

Hon. Mr. ALLAN—Who is to mark and label them?

Hon. Mr. POWER—Let the owner mark them. He is made responsible for the thing afterwards.

Hon. Mr. KAULBACH—It would prevent fraud in any person else using the brand.

Hon. Mr. POWER—There are provisions for that afterwards.

Hon. Mr. KAULBACH—These lobster packers have large industries and they only send out their canned fish once a month, or once a fortnight. No doubt, however, there is inconvenience attending it.

Hon. Mr. POWER—In some of these factories there are a number of hands working and there are thousands of cans put up every week. Now, to require that each of these cans should be stamped by such person as the Minister of Marine and Fisheries may nominate, means a very serious inconvenience.

Hon. Mr. ANGERS—It is the cases containing the cans that are to be stamped.

Hon. Mr. POWER—The language applies to cans:

> Every case or package containing lobsters canned, preserved or cured in Canada, shall be marked, labelled or stamped, etc.

Hon. Mr. ANGERS—It is the package in which the cans are packed.

Hon. Mr. POWER—If you would strike out the words "or package" there would be no doubt about it.

Hon. Mr. ANGERS—That is the very word used in the Customs Act. It is always described as "package." That means the box in which the cans are packed.

Hon. Mr. REESOR—If you say "every package containing cans of lobsters," that would cover it.

Hon. Mr. ANGERS—That is exactly what it is.

Hon. Mr. POWER—I move in amendment that these words be stricken out after "manner," in line 39, "and by such person." It will lead to serious inconvenience, and it is no good whatever. The man who packs the goods puts his own name on them and brands them himself, and a subsequent subsection renders him responsible if the goods are not up to the standard.

Hon. Mr. PRIMROSE—So far from involving more trouble and difficulty to the packers, I think that it is a release to them, in a measure, if the person authorized by the Minister does the stamping; it saves the packer the trouble.

Hon. Mr. KAULBACH—Would not my hon. friend accept the suggestion, and say, "Every case or package containing cans of lobsters" and thus avoid further discussion on which we all agree on.

Hon. Mr. ANGERS—I do not think the amendment is necessary at all.

The amendment was declared lost.

On subclause 5,

Hon. Mr. POWER—It must be remembered now that we are making regulations which are going to affect the fishermen all along our shores, and the hon. Minister, I presume, knows what that means, because in his own province there are a good many lobster packers as well as in the other provinces. These packers will look at the regulations from a very different standpoint to that from which the officer in the Marine and Fisheries Department does. The rule in every department is that the more machinery you can get, and the more you can tie up everything, the better it is, but the people throughout the country look at it in a different way. They wish to carry on their business with as little interference on the part of the government as possible, and a good government should help the people out and not the department. It is the duty of this House to try and see that the people are allowed to carry on their business without the least unnecessary interference. This subclause goes on to say:

> And such mark, label or stamp, shall state that the lobsters packed in the case or package so marked, labeled or stamped, have been legally caught and packed.

What earthly object is there in that? The packer puts his name on the package—I think he might very properly state when they are packed, but there is no provision for that—but he puts his brand on and is made responsible for the quality of the fish by a subsequent provision. Why should he have to say that they have been legally caught and packed? The presumption is they have been legally caught.

and packed. A man who is capable of violating the law and packing lobsters which have been caught out of season is quite capable of putting on a false label.

Hon. Mr. ANGERS—A man might be induced to catch fish against the law, but he would hesitate before telling a lie.

Hon. Mr. POWER—Oh, no.

Hon. Mr. ANGERS—I have a better opinion of the fishermen than that. This is necessary for the protection of the industry. Why should a man hesitate to say that they have been legally caught?

Hon. Mr. KAULBACH—He cannot say so. How can he say so? He would be stating as a fact what he can have no knowledge of.

Hon. Mr. ANGERS—He can say so from the season in which they are caught. He can say so from the implements that have been used to catch them.

Hon. Mr. KAULBACH—The man who catches the fish brings them to the factory. The person who puts them up does not know whether they have been caught in legal or illegal traps. He cannot speak as to the legality of the catch.

Hon. Mr. ANGERS—If you relieve him of this, you encourage people to catch lobsters illegally.

Hon. Mr. KAULBACH—The only thing I object to is you ask a man to assert on a package what he cannot properly assert. He cannot state that the lobsters have been legally caught. It is inducing him to practise a lie.

Hon. Mr. PRIMROSE—There is another phase of the matter which claims our attention. Unfortunately, I know experimentally that fish are illegally caught and packed—and when that expression is used I presume it has reference to the section of the Act which specifies what the quality of the fish shall be—and those fish have been sent to foreign markets through my house and have turned out, when opened, to be an altogether different description of fish from what was represented. Consequently, I think this clause is absolutely necessary.

Hon. Mr. POWER—The putting on of this allegation that they have been legally caught and packed is no proof that they have been. There is no other product of the country that requires to be marked as we propose that lobster shall be marked.

Hon. Mr. BOULTON—It puts a responsibility on the packer.

Hon. Mr. PRIMROSE—Not the packer, but such person as the Minister of Marine and Fisheries from time to time directs.

Hon. Mr. POWER—As the hon. member from Lunenburg says, it is quite impossible that a conscientious packer could put on this stamp. A packer has an establishment and men come from 10, 15, it may be even 20 miles, on either side of his establishment to sell him their lobsters. He buys the lobsters—he does not know how they have been caught, and he has to certify that they have been legally caught and packed. Either he has to do that or somebody else has.

Hon. Mr. KAULBACH—How can the officer of the Government say that these traps in which the lobsters were caught are all right? The slats may not be of the proper dimensions, or have wrong spaces between them. If they are taken in such a trap, they are illegally caught. How can the packer, or the man who brands them, say that they have been properly caught? You ask a man to verify what he cannot possibly verify.

Hon. Mr. PRIMROSE—The same argument will apply to many other articles.

Hon. Mr. POWER—I do not see why lobsters should be singled out for exceptional treatment. I do not see why lobsters should be treated differently from other fish. There is no reason why lobster fishermen should be treated differently from other fishermen. There is no such requirement for other fish. Mackerel are branded number 1 or number 2 and so on, and the name of the inspector is put on them, but there is no brand on them to show that they have been legally caught and packed. You do not require that in the case of mackerel or herring. This requirement is a perfect absurdity.

Hon. Mr. KAULBACH—It is demoralizing in its tendency.

Hon. Mr. POWER—I move that the last portion of that paragraph be struck out—all the words after "cured."

The amendment was declared lost.

On subclause 10,

Hon. Mr. POWER—This clause shows that the intention is that there should be some officer employed, independently of the packers, for the purposes of labelling and stamping these packages, because paragraph 3 says there is a penalty on any one who empties or partially empties any such case or package after being marked, labelled or stamped, etc. That would hinder a packer from taking some cans out—if the hon. Minister's construction of the word "package" is correct—of a package and putting in other cans. This interference and intermeddling of the department with the business of these people is highly objectionable. As long as the man takes out his license and properly labels and stamps every package of lobsters that he sends out, that should be sufficient, and he should not be obliged to go to an officer of the department for the purpose of doing work like that, because it either means that in every little hamlet along the shores there shall be appointed a fishery officer, or that the packer shall be put to delay and inconvenience in having this work done. The hon. Minister will probably tell me that this is absolutely necessary, but I can assure him that when the Government comes to enforce these regulations over the shores of the lower provinces, they will probably find that there are many people who look at them very differently from what the Ministers do.

Hon. Mr. ANGERS—If the hon. gentleman had referred to subsection 13 he would have found out that there is a proviso there as to the re-packing when necessary. It is incorrect to say that after a man packs a case he can never alter it again, but he should not alter it without proper authority, because then there would be no supervision or no control over the packing. If a man is required to pack under supervision during the day, he should not be allowed during the night to remove that packing and substitute for it boxes of lobsters which are not, perhaps, merchantable. Section 13 provides, when repacking is necessary, how it shall be done.

Hon. Mr. POWER—The speech of the hon. Minister just shows, to my mind, that he has wonderful skill in not seeing the point of an objection; at least he failed to see it. I said that paragraph (*c*) showed it was in contemplation that there should be an officer of the Government—some one, at any rate, altogether separate and apart from the man who packed the fish—to put these brands on, and subsection 13, to which the Minister refers, shows that apparently there must be an officer of the Government standing over the shoulder of the packer when he is packing his fish, and that this officer has to brand the fish. As I say, you must either have an officer for nearly every factory—and in some cases there are only half a dozen people employed in a factory—or, if you do not, you will put the packers to great inconvenience and delay and expense in having the branding done. That is a most pernicious requirement.

Hon. Mr. KAULBACH—What will be the object of the packer in changing the contents of the package?

Hon. Mr. POWER—Simply this: When the cans are put in the cases, it may sometimes happen that one of the cans goes bad, and it is desirable to remove that can and put another which is perfect in its place, and I think that this idea of the department going in and by its officers interfering in this manner in the business of the packers is quite indefensible. There is no excuse for it.

Hon. Mr. ALLAN—I should like to be better informed on this matter so as to know how to vote. There are, as I understand, just the fishery men who catch the lobsters, and there are certain clauses of the bill applicable to them. Then there are the canning establishments to pack the lobsters, and in order to ensure that those lobsters are being caught at the right season there is some person appointed by the Minister of Marine and Fisheries who stamps all these packages when the packer has put them up. After he has so put up those packages, the packer is not to be allowed to unpack them and put in other cases except under the provisions of clause 13.

Hon. Mr. ANGERS—That is the object.

Hon. Mr. POWER—My hon. friend does not see the point of the objection. If you are going to have an officer of the Government employed to brand every package of lobsters which is put up, then I can understand it, but to require that you shall have a Government officer to stamp or brand every package of lobsters which is put up, is a perfect outrage. There is no necessity for it. It will interfere very seriously with a business that is not too profitable at the present day.

Hon. Sir FRANK SMITH—If you give the packer the privilege of opening these cases and putting in and changing what he thinks proper, there is no necessity for an inspector at all.

Hon. Mr. POWER—There is no necessity for an inspector at all.

Hon. Sir FRANK SMITH—Yes, there is a necessity. The inspector goes to the factory before the cans are packed and sees them, and he is responsible to a certain extent, and will take good care that he will not mark that case, because he is responsible until he is satisfied that the fish are all good, and that the cans are all in proper order. Then supposing he does that and leaves the factory, and you allow the packer to go and open these cases and change them and put inferior goods in those cases, and ship them away, what protection is there in that? None at all. You might as well have no inspector. There is no hardship whatever in having it as it is, because the inspector can oversee the cans to a great extent before they go into the cases, and after that they should not be allowed to be opened by the packer.

Hon. Mr. REESOR—That would involve the absolute necessity of having an inspector on the spot at that particular canning factory all the time.

Hon. Sir FRANK SMITH—No.

Hon. Mr. REESOR—Just the same as you have officers in a distillery or brewery.

Hon. Mr. ANGERS—No.

Hon. Mr. REESOR—Otherwise the officers would not know the character of the cans put in. In British Columbia, where there are thousands and thousands of cans packed, the proprietors make it a specialty that those who do their work shall do it so perfectly that if any of the cans fail to be good, when they themselves have their own inspector to look over them, he is not paid for it, and may be turned out of the shop and not kept any more for his work. It requires an expert to examine every can, and the hands that are engaged, particularly the Chinamen, are found to be excellent men in that respect. They take the greatest possible care in testing the cans. It is after the fish is put up and before it is put in a case ; that is the object of having it well done. Then the proprietor's name has to go on that case, and he is the man who is responsible and ought to be responsible for it, and if he had any doubt in regard to a case, he ought to be at liberty to open it and have it inspected a second time.

Hon. Mr. ANGERS—Yes, that is provided.

Hon. Mr. REESOR—You would involve so much expense on a man that it would not pay to can lobsters or any other fish. There is a good deal of competition in these things. Supposing you adopted that principle in dealing with the miller and said : "Now you brand your flour with your own name, or some particular brand that you recognize as your own, as a certain quality." You would not have that man guarantee whether the wheat was of a particular kind that he had ground. You could not tell that. He depends upon his own reputation ; his own reputation is the best guarantee that the flour shall turn out according to the brand, and if he sends out any that does not turn out according to the brand his reputation soon goes and he is out of the market. And the same with this matter. The responsible packer is more valuable and a better guarantee to the trade and to the consumer than half a dozen inspectors that come in afterwards and take a run round the country and go into packing establishments and say they want to stamp their packages. These packages are put up and they stamp them and perhaps get so much for stamping, but if they had to open and go through packages, it would turn out like the bill for examining and stamping barrels of apples.

Hon. Sir FRANK SMITH—They have not to open them.

Hon. Mr. POWER—How can they certify?

Hon. Mr. REESOR—They did not know the value of the contents or go through every can as an expert. The proprietor is the man who would lose if it should not come up to the mark. Make the proprietor have his name upon it. I would go further, I would make the proprietor, the canner, have his name on every can.

Hon. Mr. ROBITAILLE—And the date.

Hon. Sir FRANK SMITH—You cannot do that.

Hon. Mr. REESOR—Well, the year it was stamped.

Hon. Mr. ANGERS—That is done.

Hon. Mr. REESOR—That is easily done. That is the law now in British Columbia, and that is the only way you can have real safety instead of adding these outside inspectors that cannot possibly know as well as the proprietor. He has nothing to gain or lose personally, but the proprietor is the man who is to lose and the proprietor is to be put to all this expense without any good to the community or to himself.

Hon. Sir FRANK SMITH—A man embarks in fishing and catching lobsters and curing them one season, and he is called a packer. There is an inspector appointed by the Government to go and inspect his fish, and to have the supervision over the whole of those until they are packed and ready for the lids to be put on. There are, say, 15 or 20 dozen of culls that this inspector says are not fit to go out on the market. If you give the packer the right to go and open the boxes again, if he is a dishonest man he will put the culls instead of the good lobsters and send them out.

Hon. Mr. POWER—With his own name on them?

Hon. Sir FRANK SMITH—They are culls with his own name on them, they are not fit to go out but there they are, and the inspector goes away from the factory and if the packer is a dishonest man he will recan them and send them out to the public at large. Well, a man gets five cases, he will only have a few of the culls in them. He cannot go back on the merchant from whom he bought them, who is perhaps two hundred or three hundred miles off, and it is not worth while making a claim for them. I say the bill is right, and that you should allow no man to open his packages after the inspector puts his stamp on them. If you allow that you will inflict a hardship on the public.

Hon. Mr. REESOR—The proprietor of the cannery would by no means allow such a thing to be done. He would have no motive for it. It would simply mean the ruin of his business to send out bad cans, and the idea that he would have a lot of cull cans and open the boxes and put them in after the inspector was there, to destroy the character of his cannery, is simply absurd.

Hon. Sir FRANK SMITH—The canneries are not permanent. There is one this year and one next year. The packers are not the same as merchants at all. If you allow a packer to put those culls on the public, you will not be able to find him the next year. You cannot follow him.

Hon. Mr. KAULBACH—My hon. friend is wrong in that. If a man sets up a business like that he has to provide himself with expensive caldrons, and he must stay there. I have known them to be there ten or twelve years.

Hon. Mr. POWER—The speech of the hon. gentleman from King's division puts the whole case clearly, and it is unnecessary to add anything further. There is this one point which the hon. gentleman brought out which should be insisted on: that it is perfectly clear now that if the certificate of the inspector is to be of any value whatever, he must be in the factory all the time.

Hon. Sir FRANK SMITH—Not a bit of it.

Hon. Mr. POWER—I do not think the hon. gentleman speaks with knowledge. If he is familiar with lobster packing, he knows that the covers must be put on the cans before the lobsters are cold, and how can an inspector, who comes along after the cans

have been sealed, tell what is the quality of the fish inside the cans? Therefore the inspector must be present all the time. Now there are a number of those factories where there are not more than from five to a dozen hands employed. The canning establishments are scattered through the fishing hamlets all along our coast, and does the hon. gentleman mean to say that he proposes to appoint an inspector to go into every one of those factories and stand over the men, women and girls who are packing the fish? The thing is outrageous.

Hon. Sir FRANK SMITH—It is not necessary.

Hon. Mr. POWER—The hon. gentleman knows his own business, and I am willing to defer him to him in matters connected with his own business, but when it comes to talking about packing lobsters he is out of his element. I have stood by and seen it done. I do not pretend to be familiar with it, although I know more than the hon. gentleman does, and if you have any one besides the packers brand these lobsters either one of two things must happen: either you must have an inspector present all the time and watch the process so as to be able to certify to the contents of every can, or the inspector must certify to what he does not know. You cannot leave the cans open.

Hon. Mr. ANGERS—As to the necessity of having an inspector in every factory, the clause does not require it.

Hon. Mr. POWER—That is no answer. How can the inspector certify so that his certificate will be of any value if he is not there all the time?

Hon. Mr. ANGERS—This clause shows clearly that the Minister of Fisheries can employ a man who is a servant of the owner of the cannery, and he is responsible for the way the work is carried on, so it is not necessary that there should be an inspector for each factory, but some person under the owner of that factory may be authorized by the Minister of Marine and Fisheries to be responsible for the manner in which the canning is carried on. After that is done this package should not be opened again except under the provision of section 13, which provides the way a case may be opened and other cans substituted.

Hon. Mr. PRIMROSE—The inspector may be a person resident in the immediate neighbourhood of the factory?

Hon. Mr. ANGERS—Yes, or he may inspect 10 or 12 factories.

The SPEAKER—By whom was this law sought? I presume it was sought by the honest fishermen, or by the honest tradesmen, and if so they ought to know what is good and necessary for themselves and in what way the honest man can be protected against the dishonest man. If this has been asked for by those who are interested in this industry, they must surely have suggested what they wanted for their protection against fraud. I presume the Government are not doing this for the fun or pleasure of the thing; there is no advantage to be gained by taking this responsibility, and I am satisfied they must have been asked to do what they are doing now by people interested in the industry.

Hon. Mr. KAULBACH—Then if my hon. friend is right we have no necessity to be here at all. We should pass the bill without comment. We know the information received by the department at times is not in our judgment consistent with the interests of the country.

The SPEAKER—My hon. friend does not contend that the fishermen of the country make the laws themselves?

Hon. Mr. KAULBACH—The representatives of the people here may have more practical information than that furnished to the department. The department may receive information from interested parties which is not in the public interest.

Hon. Mr. LOUGHEED—What is the proportion of re-packing that takes place in one of those canning establishments? It appears to me if re-packing is an important part of the industry it should be dealt with.

Hon. Mr. KAULBACH—It is not five per cent.

Hon. Mr. ANGERS—It is an insignificant proportion of the industry. It may not occur at all, but since there is a supervision over the packing, after that super-

vision has been exercised it is necessary that it should not be infringed upon during the night. I do not suppose in the whole season there are ten packages in any factory that are opened, but once the packing is certified to, it becomes an incident thereto that no re-packing should take place except under the same supervision.

Hon. Mr. KAULBACH—I quite agree with my hon. friend on that point.

The subclause was adopted.

On subclause 11,

Hon. Mr. POWER—The Minister gave us an interpretation just now which I think is very questionable. Does this mean that the fisheries inspector may employ any one he pleases to do the work under him ?

Hon. Mr. ANGERS—That certainly is the meaning of it. The inspector may go into a cannery and there employ a person to assist him, and if that person violates any of the provisions of the Act, he is subject to a penalty of $40.

Hon. Mr. POWER—It would be a great deal better to take the responsibility of the packer than to take the responsibility of a person employed by the inspector.

Hon. Mr. ANGERS—It may be the canner himself.

The subclause was adopted.

On subclause 12,

Hon. Mr. POWER—Suppose the inspector brands a package though he has not been present when the cans were filled he may render himself liable to a penalty of $100 if he certifies that the fish are of a certain character. You are going to get the department and the packers into an extraordinary mess in attempting to enforce such regulations as these. The hon. Speaker said that probably the men in the business must have asked for this legislation. It may be that the packers have expressed their desire that there should be some protection afforded to the honest packer, but they have not asked for such extraordinary regulations as these. It may be that some persons have packed lobsters out of season, and for the purpose of preventing that, which is a very objectionable practice, the department are now enacting a law which will interfere in a most objectionable way with the whole business of people who are trying to carry on the industry in a legitimate manner. It is better that some guilty ones should escape than that the trade should be hampered in that way.

Hon. Mr. REESOR—It would be far better to prevent any fraud by making each packer responsible for the quality of the fish that he puts up, have his name upon every package and let him certify to it and put his brand upon it. It would give rise to much less expense. It would be on the same principle that a miller brands his flour. He is responsible himself, and a good miller will soon get the whole of the trade of the country around him if he is surrounded by bad ones. You not only prevent this fraud, but you get a number of good canneries in operation and only good ones, because every man who cannot certify to the quality of his goods or who certifies improperly to them, must go out of the businesss. To hold the man himself responsible will be far better protection to the public than to have a lot of inspectors who are required to certify to things that they cannot possibly know.

Hon. Mr. DEVER—Does not that come back to the question of having responsible merchants who put their own trade marks on their goods ? It is the best system in the world. I know when I was in trade and imported from first-class houses in England, I had no trouble in getting first-class goods, but I always looked at the brands and trade marks of the house from which I imported. So with other merchants ; but when you introduce this system and have to depend wholly on the mark of a petty inspector, there is not the slightest possible chance of depending on the goods. The inspection of goods is exceedingly difficult. It is not easy to find a proper inspector. If you want a reliable inspector you must look to the packer himself. How is it possible for any government, under any system, to get such inspection that every small package of goods will be examined ? Why, it would cost more than the goods would come to. To have a sham inspector and have the country pay for it is simply, in my opinion, a foolish proposition. It is simply trying to make offices for men that we do not want in this country.

Hon. Mr. PRIMROSE—The remarks which fell from the hon. member from King's and the suggestion which he offers, if practicable, would be very well, but the trouble is the deficiency in quality of the fish is not ascertained until the goods reach foreign markets and are opened there. Would it not be better to have such an inspection of fish as would render it certain that the goods were in proper condition when they were inspected here? I do not yield to the hon. member from Halifax, or to any one else, in my desire not to place obstructions in the way of the packers, but my experience has led me to the conclusion that the provisions in this bill are almost absolutely necessary to the proper conduct of the business. Some hon. members suggest that you would require to have a man constantly on the premises; I think that objection has been removed by the explanation given by the Minister that it is quite practicable to have one of the employees of the establishment act as inspector, or some one resident in the neighbourhood. I have every wish to see the packers have every possible protection and facility; at the same time we require some regulations of this character.

Hon. Mr. ALLAN—I know so little about lobster-packing that I am afraid in this matter I must put my conscience in the keeping of the Government. How is this inspector, who is appointed by the Government or who acts for the Government, to certify that the lobsters are what they ought to be—are fresh and caught in the right season? Will not the packer himself, the man who receives the lobsters and packs them, be the only man who can certify to that? How is this other man to obtain his information or knowledge except through the packer?

Hon. Sir FRANK SMITH—Because he goes in there with authority and employs some one who oversees the packing as it is going on.

Hon. Mr. REESOR—It will turn out just as the inspection of apples has turned out. Two years ago we passed a law, at the request of the fruit growers, to let them have their apples inspected, because they would get better prices in the old country for their apples. It worked so badly that they do not get them inspected any longer. The only plan that has been successful, so far, is where the man himself has a character for packing good apples and puts his name on the barrels and certifies to their quality and variety, and he makes the shipping a success; whereas if they were sent without regard to the name of the firm or the character of the apples—if they were put up carelessly they would bring only three or four dollars a barrel—very often as little money as could have been got for them at home here. It is perfectly absurd to expect this inspection to work. It will not give satisfaction. The packers will kick against it. They are the persons interested in seeing that the goods are right. To say that a packer interested in packing would secretly reopen the boxes and put bad cans in packages carrying his own name, is absurd. His responsibility is worth far more to the public than the responsibility of a hireling.

Hon. Sir FRANK SMITH—Not at all.

Hon. Mr. REESOR—His employee may not be worth $200, and you might not be able to make anything out of him if you looked for damages against him. He can only certify to the best of his knowledge. The owner of the goods is the man who should be held responsible, and he is the man who is interested in sending out a good article.

Hon. Mr. POIRIER—There is a fundamental difference between the lobster packer and the miller or manufacturer, as was mentioned by the senior member from St. John. A miller has a reason to have a good reputation, and to see that his goods are properly marked, because he can increase the business in which he is permanently engaged. In the case of the lobster factory, a person, however good his market may be, cannot increase his output, so he is tempted to do the most he can during the one season, knowing very well that although his reputation may be good, he cannot make much, if anything out of it. He sells out his stock at the ordinary price, and he may go out of the business the next season, or it may be a bad season. So I think it is better to be more stringent, as the bill proposes to be, than to apply an idea which prevails very generally and works very well with millers and manufacturers of staple articles but which would not apply to lobster packers.

Hon. Mr. POWER—I am sorry to hear that on the north shore of New Brunswick, the lobster packers are of the character described by the hon. gentleman from Acadie.

Hon. Mr. POIRIER—I wish it to be well understood that I am speaking of the minority, those who are violating the law, and not of the majority. I would not like my words to apply in a larger sense than I intended them.

Hon. Mr. POWER—As a matter of fact, the people that we want to get at are those who pack out of season, and they are not going to take out licenses at all. The mere requirement of taking out a license is probably enough to prevent those people going into the business. The remarks of the hon. gentleman from King's were particularly striking with respect to the inspection of apples. We thought when we passed that Act that we were doing a very good thing, and now it turns out to be perfectly useless; but there was this redeeming feature about the law—the inspection was optional. That is not the case with the measure before us. This law is compulsory, and I say it is going to be impracticable in working out. We export canned lobsters to the value of millions of dollars, and Parliament ought to be very careful how it interferes with a business of such dimensions.

Hon. Mr. LOUGHEED—I do not profess to know very much about the lobster business, but it appears to me that many hon. gentlemen are overlooking entirely the principle involved in inspection. If I understand it, the principle is not to establish a reputation for the packers, but to protect the general health of the public. The argument that might be applicable with regard to apples, flour and other commodities of that character is not at all applicable to the inspection of fish and meat. I submit to this honourable House that there is nothing in commerce so prejudicial to the health of the community as careless packing of fish and meat.

Hon. Mr. DEVER—It is absolutely impossible to inspect every package of lobsters. There is not money enough in the country to carry out the system thoroughly. Every package would have to be inspected to see that its contents are healthful and sound and not of a nature to injuriously affect the health of the people.

Hon. Mr. POWER—The hon. gentleman from Calgary apparently thought he was scoring a point when he spoke of the necessity of the inspection of fish and meat. I am perfectly satisfied that they shall be inspected provided that lobsters shall be inspected in the same way as other fish, and in the same way as meat. There are no such provisions in the General Inspection Act.

Hon. Mr. PRIMROSE—The same conditions do not apply at all. It would be desirable, certainly, that the packer should be made primarily responsible if it were practicable, but the fact is those who are disposed to be fraudulent send their goods to foreign markets through the hands of merchants, and the effect is they destroy the reputation of our lobsters.

Hon. Mr. POWER—What is the difference between the inspection of mackerel and of lobster?

Hon. Mr. PRIMROSE—The one is simply caught and put in barrel, and the other has to go through the process of canning, of which I know something as well as the hon. gentleman from Halifax.

The clause was adopted.

On clause 4,

Hon. Mr. POWER—This is another clause which is going to have a very serious effect. It appears that this bill is like the laws of the Medes and Persians and we must take it as it is. The practice of fishermen at present is that there shall be one night of the week when their nets are not set. In some places the rule is that the nets shall be set Saturday night but not Sunday night, but the general practice is that the nets shall not be set Saturday night but shall be set Sunday night. This provision of the bill means that our fishermen along the Atlantic coast shall lose two nights fishing in the week, that their nets shall not be set Saturday night and shall not be set Sunday night. When you think that for the last number of years the fishermen on the Atlantic have met with bad season after bad season, that as a rule they find it very difficult indeed to make both ends meet, and that the fish which they get are generally those which pass along the coast when we say that they shall take their nets up for two nights in

the week, it is unreasonable in the extreme. No reason has been shown why it should be so. I wish to call attention to a very important circumstance in connection with this clause. It is supposed to be almost a transcript of subsection 14 of section 14 of the Fisheries Act, but there is a most important distinction. The section in the Act applied only to salmon. The Government propose to extend this provision, which might be reasonable enough as applied to salmon, because it is desirable to let the salmon get into the rivers—the Government propose to extend that to mackerel and herring also. Probably there is hardly a member of this House who realizes the importance of this change. The Minister did not indicate in any way that it was the intention of the Government to make such a sweeping change.

Hon. Mr. KAULBACH—How far does this tide water extend? Is it water within the three mile limit? Because my hon. friend contends that these regulations extend, so far as British subjects are concerned, beyond the three-mile limit. Now many of our fishermen go out for about eight and nine miles from land and set their nets, and this clause would require them to go out and raise their nets. I cannot see the object of it. Our shore fishermen are hampered enough by reason of the licenses given to United States fishermen, who are at liberty to catch fish at all times outside the three-mile limit, and now you propose to enact legislation which will bring the law of the country into contempt and prohibiting our fishermen from catching fish even on the high seas, out side of the 3-mile limit, where the American fishermen resort. Let us first know what tidal water means. If it means all waters affected by the tide, then I protest against it.

Hon. Mr. ANGERS—This applies only to tidal water, and that means by the shore.

Hon. Mr. POWER—Not at all. Are not all the waters of the ocean tidal waters?

Hon. Mr. ANGERS—No; not in that sense. The expression applies only to a place where the tide comes in and recedes.

Hon. Mr. DEVER—In the Bay of Fundy the tidal waters extend 60 or 70 miles.

Hon. Mr. ANGERS—The waters do not recede 70 miles. There is the middle of the stream which does not recede altogether in the Bay of Fundy. But, if it did recede 70 miles, you could not expect to be fishing when the water is out, and therefore there is no disadvantage in taking up the nets where the tidal water recedes. It has been stated that the fish on the coasts of Nova Scotia and New Brunswick have not been profitable for the last few years, that times have been hard for fishermen. For what reason? From the very fact that we have been exhausting our fisheries.

Hon. Mr. KAULBACH—The Americans have been doing so. We all want to take care of our fishing industry and protect it.

Hon. Mr. ANGERS—Why is it the Americans have so few fish on their coast? Because they have exhausted their fisheries. Is it wise, is it desirable that we should do the same thing? And is it too long to allow the fish to ascend the rivers to the spawning places where they cannot be disturbed, by taking up the nets every Saturday night until Monday morning.

Hon. Mr. KAULBACH—Before I made my last remarks I asked the hon. gentleman what was the limit of the tidal waters and whether they extend beyond the three-mile limit, and my hon. friend said yes, and therefore I predicated my remarks upon that. If my hon. friend means just simply in the harbours, then I might have a different view of the matter. Is it intended for any water that recedes and leaves a place dry?

Hon. Mr. ANGERS—Yes.

Hon. Mr. KAULBACH—Just those places where it is left dry by the receding of the tide? If that is it, I can understand it, but if it is beyond that to any material extent or to the three-mile limit, I say it is an injustice to our people, because they have to compete with the United States fishermen outside of that, and they are obliged to take up their nets, sometimes a string of nets half a mile long, and if the Americans are allowed to catch fish there I say it is a hardship upon our people.

Hon. Mr. ANGERS—As I read this clause, it does not apply to deep-sea fishing,

and beyond the three miles would be deep-sea fishing. The way I understand the clause is that it applies to the tidal waters where the water flows and recedes with the tide.

Hon. Mr. DEVER—I think the hon. Minister is right in principle. It is well that the fish should be protected by law where we can do so, and I think in this instance it should be done and that we should not lose our fish, that we should protect them at the proper seasons in order to enable them to spawn on the several spawning grounds, but there are fish which cannot be protected in this way. I think the gaspereau and other fish do not come into the fresh water.

Hon. Mr. POWER—Oh yes.

Hon. Mr. DEVER—I know that our salmon, and other fish of that class, do ascend the rivers for the purpose of breeding, and in that particular the Government is perfectly right in seeing that the laws are just as strict as possible to protect them. It is well too that there should be one or two days of the week. I would be most anxious to assist the Government in that, because, I am fully aware, from friends of my own who have written me from England and other places, that the non-protection of the fish at certain seasons will lead to their extermination.

Hon. Mr. KAULBACH—I have no objection to rivers, but I would like to know what is covered by "tidal waters." Along our coast the tide is five miles out at sea. You can tell the tide five or six miles out. At the mouth of the bays you can tell whether the tide is coming in or going out, and if that is tidal water this law ought not to apply.

Hon. Mr. POIRIER—While I approve of the general tenor of this Act, I must call the attention of the Government to the fact that this clause is ambiguous. If we cannot interpret it, how will the officers interpret it? There is not the slightest doubt that all the shores of the Atlantic Ocean are tidal waters. Do you mean to apply this Act to the shore fisheries?

Hon. Mr. POWER—Certainly.

Hon. Mr. POIRIER—I do not believe that this is the idea. I believe it applies to the openings of rivers, because if you apply it from the shore to the three-mile limit, there is no reason why you should not pass the three-mile limit. But as a matter of fact there is no reason to apply it at all. Will you apply this Act to the Strait of Northumberland which is seven miles wide at its narrowest part?

Hon. Mr. ANGERS—No, you cannot.

Hon. Mr. POIRIER—It is tidal water. I think we could remedy it by saying "tidal rivers" instead of tidal waters.

Hon. Mr. ANGERS—No, it would not be sufficient, because it would be destroying the salmon off the coast where the tide rises and falls. You would be destroying salmon off the coast and in the harbours also.

Hon. Mr. LOUGHEED—Why not put in an interpretation clause?

Hon. Mr. DEVER—Tidal waters approaching rivers.

Hon. Mr. POIRIER—Or revert to the former Act and specify salmon fishing. This law will be a source of misunderstanding, and I think we should not pass a bill which will give so much trouble.

Hon. Mr. POWER—There is not the slightest doubt that this applies to the fisheries off the shore. Tidal waters are waters in which the tide rises and falls. The tide rises and falls all over the ocean, and this is intended to apply to the waters off our coasts. The hon. Minister gave his interpretation of the meaning of these words, but unfortunately for the fishermen, the hon. gentleman would not be a judge before whom those accused of violating the law would be tried, or the fishermen might get the benefit of his interpretation of the clause. The hon. gentleman spoke of the United States fisheries. It is true they have been destroyed. The river fisheries have been almost totally destroyed, and then, when the marine life in the rivers has disappeared, the sea fish cease to come in for the feed they get about these river mouths, and if the same restriction is put upon this clause which exists in subsection 4 of chapter 95 of the Revised Statutes, to provide that this subsection as affecting the deep-sea and coast fisheries in tidal waters, shall apply only to salmon, I

am satisfied with it ; but if you are going to say that fishermen shall be precluded from catching fish like herring and mackerel, which simply pass by our coasts perhaps at a distance of a couple of miles from the shore, it is a most unreasonable thing and will lead to strong feelings of dissatisfaction amongst our fishermen. Why should our fishermen be precluded from catching mackerel when they pass by the shore, when the United States fishermen in the same neighbourhood are allowed to catch them ? It is most unreasonable and I cannot help feeling that in some way, in drafting the bill, through an oversight limitation as to salmon nets was omitted.

Hon. Mr. KAULBACH—If we allow the United States fishermen to catch these fish and compel our own fishermen to haul up their nets, it would be a hardship which nothing could ameliorate.

Hon. Mr. ANGERS—The meaning I attach to the word "tidal waters" does not agree at all with the definition of the hon. gentleman on the other side. You must understand that I am not desirous of cutting out fishermen from all kinds of fishing from Saturday night till Monday morning. I am not desirous, either, of restricting the clause to salmon only, because there are valuable fish that come into tidal waters which also want protection. The hon. gentleman knows that in the harbour of St. John there is a very valuable fish which comes in there, the shad.

Hon. Mr. DEVER—And the sturgeon.

Hon. Mr. ANGERS—If the fishing is carried on without affording any chance to these fish to ascend the St. John or go up into fresh water to spawn as they do, undoubtedly that kind of fish will be destroyed. There are other species of fish which have the same habit also that will be destroyed. They also want protection, just as much as do salmon, although they are not so valuable. I do not agree with the hon. gentleman from Halifax, when he states that the fisheries of the Atlantic coast of the United States have been destroyed from the fact that the fishing has been ruined in the rivers. That is not the cause at all, because most of these fish that come from the sea to spawn in fresh water hardly take any food at all when they are in the rivers.

Hon. Mr. POWER—I did not say they did.

Hon. Mr. ANGERS—But you said that the substance that fed them in the fresh water rivers having been destroyed, the fish turned away from the coast.

Hon. Mr. POWER—No, I said that the fish came in from the outside, mackerel and other fish of that sort, that they fed to a considerable extent upon the small fish of various kinds which came out of the rivers ; that when the river fisheries were destroyed, this food was not there for the deep-sea fish.

Hon. Mr. KAULBACH—The little fish that come down the river are the bait which trap the fish at the mouth of the river.

Hon. Mr. POWER—Then the hon. Minister undertook to say that the fisheries were completely destroyed on the United States coast. The hon. gentleman is in error if he speaks of the mackerel, because within the last few years they have had large catches of mackerel off the United States coast.

Hon. Mr. ANGERS—My definition of the tidal water and the definition given on the other side of the House do not agree ; therefore I propose to reserve this clause until I ascertain from the Fishery Department what is the real meaning attached to the term "tidal water."

Hon. Mr. POIRIER—I would like to make a remark, and I hope the hon. Minister will take it into consideration on behalf of the herring fishermen. If this clause be made applicable to herring fishermen, it will be a great hardship on them. They fish for herring at a certain time in the spring, say a week, or a fortnight, or so ; they set their nets from half a mile to three miles and sometimes four miles from the shore. The operation of setting the net is a difficult and sometimes dangerous one. If they are obliged to take up their nets on Saturday nights and set them on Monday again, it is certainly imposing upon them a hardship that is absolutely intolerable. It is a long process and they will not be able to do it, especially those men who do not make a living by those fish but simply amateur fishermen who set up their nets and catch enough herring and gaspereau for the year. There is no occasion for this provision, because the

herring do not need any protection. I speak especially for those along the Straits of Northumberland, and I think I will be backed in what I say by my colleagues from the lower provinces.

Hon. Mr. ANGERS—I have said that I did not think the clause applied to deep sea fishing.

Hon. Mr. DEVER—I think the Minister is on the right path when he protects the fish that go up the rivers.

The clause was postponed.

On clause 6,

Hon. Mr. CLEMOW—I am in accord with this clause generally, but I was in hopes that this measure would rid us of a great nuisance which has been in existence for a great many years. It has been brought up in this House on many occasions, and during the time the late Sir John Abbott occupied the position of Premier and leader of the House, he gave us to understand that a law would be passed prohibiting the continuance of this nuisance, and I was in hopes when this bill was introduced in the other House that we had succeeded at last of ridding the country of a nuisance which is very injurious to the general interests of the whole country. It must be known to every hon. gentleman in this House that the immense quantity of sawdust discharged in the Ottawa river has done a great deal of damage. A great many years ago, when I first came to Ottawa, we had a river here in which fish were very abundant. It was a most valuable asset to the Dominion generally. Now we are deprived of this advantage, and we are losing the benefit of the navigation of this magnificent river. At the present time there is an accumulation of sawdust 72 feet in depth underlying the channel at the proposed route for the construction of the interprovincial bridge. That fact is quite sufficient to convince anyone that the time has arrived when measures should be taken to abate the nuisance. Therefore, I hope that the House will sustain me in moving, as I do, that this proviso be not concurred in but that the proviso shall be :—

Provided always that the provisions of this section shall not apply until, on and after the first day of May, 1895, to the saw-mill owners and employees of any saw-mill situated on any stream which was wholly or partially exempt from the operation of said subsection 2 of section 15 hereby repealed.

That gives the mill owners and parties interested a sufficient time to make the necessary arrangements for the purpose of stopping the depositing of saw-dust or other refuse in the river. Unfortunately, a very large mill has been destroyed at the Chaudière, and it is a very opportune time at present to let these gentlemen know that after this they will not be allowed to deposit refuse in this river. It is a most extraordinary thing that whilst the practice is prohibited on all small rivers and mill-owners are not allowed to throw a spoonful of sawdust in the water, no attempt is made to protect the Ottawa River, and this magnificent river is being ruined under the very eyes of the Ministers and of the representatives of the people. When the engineers from the United States were here they expressed their astonishment thas such a thing was allowed to be continued under the eyes of the Government. This proposition of mine has been assented to in many occasions. We had a committee appointed who examined many gentlemen connected with the business and presented a report to this House which was unanimously adopted. I thought then that this nuisance would be abated. I hope the hon. Minister will acquiesce in this proposition and will agree to give the mill-owners another twelve months to make the necessary preparation. This Ottawa canal will some day be constructed, because it is the only route suitable for the business of the country, and will save 350 miles between Chicago and Montreal. The advantages of the canal are undeniable. I think we should go to work now to make this river as suitable as possible for the requirements of the canal when constructed, and I hope there will be no opposition to this resolution and that the worthy Premier and the gentleman leading this House on occasion will give us some assurance which will be satisfactorily received by the whole country. Montreal has been urging it for many years and I believe that no measure that can be adopted by this country will be more acceptable than one abating this nuisance. I should like to hear the views of hon. gentlemen from other parts of the country where mill-owners are prohibited from depositing saw-dust in the streams. In Pembroke a saw mill-owner was fined heavily because he threw a small quantity

of saw-dust in the river, and I think it was proper that he should be fined.

Hon. Mr. KAULBACH—I hope the Government will accept this amendment. The Government did not intend to make this proviso that is now in the bill. I do not think it is fair to impose it on the Minister of Marine and Fisheries; the temptation may be too great. Local influence, in certain sections, may override the department and injustice may be done, to the public. I know that in Nova Scotia the law has been vigorously applied to a little steam where they do not cut more than half a thousand of lumber in a day. The mill-owners have been fined and the mill has been stopped. A large mill on the river, with immense quantities of logs lying in the river, has been stopped by a mandamus, to the great loss of those who have their logs there to be sawn as well as a general injury to the place. Here in Ottawa, in the presence of the Parliament of Canada, where legislation is being enacted, this nuisance is tolerated; and yet the law has been rigidly enforced in Nova Scotia. It is no wonder the people object and set the law at defiance when a nuisance like this is allowed within the sound of our voices. I hope the Government will see that it is a responsibility too great to throw upon the department. It may be used in a way which it is not in the interests of the country, or there may be pressure brought by certain parties upon the Government to which possibly they might yield. These mill-men have all got rich and hold a large amount of the assets of the country, the valuable timber tracts of Canada. This difficulty can be removed without much trouble, but they find it more convenient to let the saw-dust drop into the river than to take care of it. We find that a short distance below this city, at the Gatineau, the saw-dust is burnt. They cannot get a scow up there because of the amount of refuse in the water. I hope the Government will say, in the interests of the whole community, that they will not allow the huge monopoly which the mill-owners have here to override the law and set a bad example to the whole community. We should be cautious about the laws we make, but when made they should be carried out. Let no man defy the law, but let it apply alike to all classes and conditions of our people, regardless of wealth or influence.



Hon. Mr. POIRIER—I think it is simply ironical to take all the precautions the country is taking to preserve our fisheries, to enact so many laws, impose so many fines and penalties on the one hand, while, on the other hand, we allow this nuisance, which is complained of, to exist unchecked—a nuisance which is more dangerous to fisheries, perhaps, than all others put together. There is no doubt that not only is the saw-dust injurious to the river fisheries, but it is also injurious to the open fisheries, as many species of fish have to go to the rivers to spawn, and they do not ascend the rivers on account of the saw-dust. The salmon, for the protection of which so much is done, has to run up rivers to spawn. I know, myself, rivers where formerly salmon and trout were abundant, in which now no salmon or trout can be found, simply because the water has been spoiled by saw-dust and other mill refuse. If, therefore, the Government are sincere, and I believe they are, in trying to preserve our fisheries, they should go to the root of the evil and commence by preserving the rivers, the preservation of which, is more important, certainly, than preventing purse-seining or netting on Sunday. More than that, I have myself got petitions from parties in different counties where I come from, complaining of this matter. I wish the Government to give it some consideration. In certain counties, where lumbering operations are carried on, this state of things, I know, exists—that lumbermen who happen to belong to a certain political creed, throw saw-dust into the rivers unmolested.

Hon. Mr. ANGERS—Oh no.

Hon. Mr. POIRIER—I know that the Government know nothing about it, but I am talking of facts. They think they will be protected—that members of Parliament will not dare to do anything against them. At all events, the consequence is they violate the law, while others having different political convictions, under dread of punishment refrain from doing it. That is the fact, I know, in the county of Westmoreland where I live and also in the county of Kent. As I have said, the Government do not know of it, but it creates dissatisfaction and that should be put a stop to. The law should be rigidly enforced. We are very severe against the fishermen, why not against the lumbermen? They are not so poor that the laws

which are applicable to other citizens of the community should not apply to them. We know the lumbermen of Ottawa River are poor men, but still they are not the only paupers in the Dominion, and supposing their income should be diminished by five or ten thousand dollars per year, that is no reason why this law should not be applied. The pollution of the water is not only injurious to the river but also to the ocean fisheries. The pollution is of a permanent character, while the lumber trade may diminish. When the waters are so polluted that the fish disappear from them, it takes centuries to restore abundance of fish in those rivers. It is a permanent loss which is inflicted for the purpose of benefiting some private individuals. I will not talk about the Ottawa River; I will speak of rivers in the east We have the St. John River in New Brunswick. Formerly we had abundance of fish in it; now they have diminished to such an extent that it is difficult to catch any considerable number. That may not be wholly due to this fact, but it is partially due to the pollution of the water. In the smaller rivers from the Gut of Canso to the Bay of Chaleurs there is no doubt that magnificent trout and salmon fisheries have been destroyed to an incalculable extent, merely by the privileges accorded to mill-owners, or most of them, to throw their mill refuse into the river. I hope, therefore, that the amendment of the hon. gentleman of Ottawa will be accepted by the Government. The Government is bound to carry out the promise of the late Sir John Abbott when he was Premier. They are bound to carry out the suggestion of my hon. friend. Sir John Abbott, in 1891 when a similar question was raised, was in favour of it; he saw the propriety of it, but he said that we should not without warning fall upon these mill-owners and impose upon them such alterations in their manufacturing establishments as would be injurious to them. He almost pledged himself to bring in remedial legislation. That was three years ago and no legislation has been introduced yet. Sir John Abbott spoke as follows :—

It appears to be the general opinion of my colleagues in so far as I have gone into the question, that the exception which prevails in favour of the Ottawa River ought to be abrogated and I would ask my hon. friend to withdraw his bill for this year, in order that the mill-owners may not be too suddenly, by force, compelled to make changes which would be very expensive and inconvenient. My hon. friend has been good enough on that consideration to agree to withdraw his bill for this year, as far as I can say such an understanding can be arrived at before hand, that his measure will receive the assistance of this Government, if it should be in power in the year to come.

The hon. gentleman from Rideau division on that assurance withdrew his bill that year. Now, what my hon. friend asked, and what I join in asking and what I believe the majority of this House demands, is that these implied promises be carried out. It is certainly not harsh treatment because those gentlemen know that this has been hanging over their heads for years. Look at the different treatment accorded to lumbermen and to fishermen. The very same year when Sir John Abbott made that promise and wished to have another year granted to the lumbermen so that they would not be taken by surprise, the Government passed an Act further to amend the Fisheries Act the first section of which prohibited the use of purse-seines for the catching of fish under a penalty for each offence of not less than $50 and not exceeding $500, together with confiscation of the apparatus and boats used in such catching. I was not able to get six months' notice to those fishermen to be prepared to meet this law. The Government insisted then, and they were right, as for as the necessity of protecting our fisheries, but if it is so important to protect the fisheries, let us protect them all through and not give undue privleges to a class of men who can afford to live without them, especially when we are so severe against the fishermen that we would not give them a day's warning when passing that Act subjecting them to a penalty of $500 and confiscation of their boats and apparatus should they use those purse-seines. I hope this amendment will be accepted by the leader of the House.

Hon. Mr. ANGERS—This question involves very large interests undoubtedly. An exception has been made of the Ottawa River. I know of very few others. I do not know of a single other case where the law has not been put in force.

Hon. Mr. POWER—I know of some.

Hon. Mr. PERLEY—I know of one in New Brunswick.

Hon. Mr. ANGERS—The principle is that the water is not to be polluted and that the

saw-dust is not to be thrown in the river because it destroys the fish. That is the principle of the law. There is a proviso here for dealing with exceptional cases.

Hon. Mr. KAULBACH—That is the Ottawa River.

Hon. Mr. ANGERS—Yes, the Ottawa if you wish, and cases where its enforcement is not requisite in the public interest. So far, the public interest has not been injured by the fact of saw-dust being thrown into the Ottawa.

Hon. Mr. CLEMOW—Oh yes it has.

Hon. Mr. ANGERS—Not as compared with interests that have been benefited by the fact of the establishment of all these large mills here. There is an immense trade in lumber done in this city.

Hon. Mr. KAULBACH—The same argument applies to all other places.

Hon. Mr. ANGERS—What saw-dust has been thrown into the river has left it navigable, so far, for the class of vessels navigating it. There are very few places that are so shallow that steamers cannot pass.

Hon. Mr. ALLAN—Does the hon. gentleman know that there are deposits of saw-dust 60 feet deep in some places in this Ottawa River?

Hon. Mr. ANGERS—I suppose there are, but if you have 20 feet of water over the saw-dust that is sufficient. I know there are pools where the saw-dust has collected and it may be 60 feet deep, but if there is 20 feet of water over that saw-dust there is sufficient for navigation.

Hon. Mr. CLEMOW—There are places where there are not 5 feet of water.

Hon. Mr. ANGERS—Perhaps in bays, but the navigation of the channel has not been interrupted. It may have been injured a little. I admit it has lost a certain amount of its value, but you cannot compare that diminution with the immense trade in lumber that has been established here.

Hon. Mr. KAULBACH—That may be said of every other big gang mill throughout all Canada.



Hon. Mr. ANGERS—Yes, if it did not affect the fisheries any more than it did here. The object in preventing saw-dust being thrown into the river is the protection of the fish.

Hon. Mr. POWER—Not the fish alone. There is the navigation too.

Hon. Mr. ANGERS—This is not a bill to provide for navigation, but of course if it does destroy navigation you most protect the river for navigation also. But the main object in preventing the saw-dust being thrown into the river is the protection of the fish. There were no fish here to protect, and so far the saw-dust has been allowed to drop into the river, and it has impeded, I admit, in certain places the navigation but has not destroyed it. There is sufficient water at present for navigation. The attention of the Government has been recently drawn to this matter when Mr. Booth's mill was destroyed and it has been thought that before he rebuilds not to permit the saw-dust to escape into the river in the future.

Hon. Mr. POWER—Strike out this proviso and he has the warning.

Hon. Mr. ANGERS—I cannot agree with the suggestion of the hon. gentleman. It is too sweeping for the present.

Hon. Mr. LOUGHEED—Was this proviso omitted when the bill was introduced in the House of Commons?

Hon. Mr. ANGERS—I am told that it was not in the bill.

Hon. Mr. LOUGHEED—Then evidently the policy of the Government in introducing this bill was to enforce this regulation with regard to all rivers.

Hon. Mr. ANGERS—We do, and that is the principle of the bill, with a few exceptions.

Hon. Mr. POWER—Those exceptions spoil the whole bill.

Hon. Mr. ANGERS—It may have caused some inconvenience in a few cases, but I point out the great advantages that have arisen also from not enforcing the regulations as to certain rivers. I propose to ask the House to allow this clause to stand, so

that the Government may have an opportunity of considering it further.

Hon. Mr. CLEMOW—I have no objection to let it remain as a notice for the third reading.

Hon. Sir FRANK SMITH—It is the desire of every member of the Government to meet the objection in this case. It is a hardship, and the subject is in their minds. They have been talking of it, within the last 24 hours—within a shorter time than that, but here, we are to-day at the end of the session with a very thin House and a thin House in the other Chamber also. The resolution would cause legislation in the House, and postpone the prorogation of Parliament perhaps a week, perhaps 10 days.

Hon. Mr. POWER—Not at all.

Hon. Mr. KAULBACH—Not an hour.

Hon. Sir FRANK SMITH—I think it would, and it might postpone it perhaps longer, because it is a very important question and the Government should meet it as soon as possible, and although they have been delinquent, you can see the reason of it. It was ordered by a power that we have no control over, that the gentleman who made those promises which have been mentioned should be taken away from us. Others came in, and it was not brought to their knowledge, but here we are now within six or seven months of another session, and what I would say is this, that early next session—

Hon. Mr. POWER—Oh no.

Hon. Sir FRANK SMITH—You will be here three weeks if you undertake to make this amendment now. Early next session the Government's attention will be called to it, and no doubt a bill will be introduced in this House to meet the difficulty. I, for one, will prompt it if God spares me to be here, and if my hon. friend would meet us on this occasion and allow us to finish up the business, we will promise him—and he will be here I hope to help us next session—to try and put an end to the existing state of things.

Hon. Mr. ALLAN—If the Government will really give any sort of pledge or assurance that they will be prepared next session to legislate on this matter, that is a different affair altogether. I was not aware that my hon. friend opposite was going to bring up the subject to-day, but when he did I was moved to send for this profile plan, which I have here, which was given to me by a gentleman known to be one of the best hydraulic engineers of the country, Mr. Keefer. It shows a very alarming state of things, not only this depth of saw-dust in certain bays and channels, but it shows by a comparative line that in many parts of the river this deposit is becoming so deep that there is not anything like the depth of water the hon. gentleman speaks of between the top of the saw-dust and the keels of the vessels which navigate the river. I must confess that it has always been a matter of profound astonishment to me, ever since we have been holding our sessions in Ottawa, that the pollution of the Ottawa River has been allowed to go on from year to year. No one can be blind to the importance of the interests involved, but when we know that in other places the saw-dust is not only burnt but turned to very valuable account, it does not seem that it would be impossible to do the same here. At Deseronto every particle of the saw-dust is utilized, and what can be done in one place can surely be done in another, but while it may be hard on mill-owners to make a change of that kind without due notice, it can hardly be said that they have not had warning given year after year. As far back as 1891, when the late Sir John Abbott was leader in this House, the subject was discussed in the Senate and since then it has been brought up again repeatedly. I cannot conceive it possible that the Government can allow one of the most magnificent streams we have in Canada to be filled up as it is probable the Ottawa will be filled up if the present state of things is allowed to continue. Apart altogether from the injury to the fish and to the navigation of the stream, we should consider the sanitary conditions also. We know that fermentation goes on in those deposits, and from time to time there have been some very violent explosions from gas supposed to be generated in these saw-dust heaps. Altogether I think the condition of the Ottawa River now calls for some remedial measure. I can understand that it is hardly apropos to this Fisheries Bill, but if the hon. gentleman opposite consents to postpone his amend-

ment, I hope that we shall have some sort of pledge from the Government that measures will be taken very early next session to try and put an end to the existing state of things.

Hon. Mr. ANGERS—I did not get notice of this amendment; I did not know it was coming on. I am very glad to see that the hon. gentleman from Rideau accepts my proposal to let it stand. I may be in a position on Monday to deal with the question and state what the intention of the Government is, whether a bill shall be introduced this session or whether we shall wait until another session to take up this question. I would ask that the clause and the amendment of the hon. gentleman be allowed to stand.

Hon. Mr. CLEMOW—I did not give notice of it because I did not know myself that I should have to move. I thought when the bill was introduced in the lower House that it met all the objections that I had, and it was only last night that I found this proviso had been introduced, it was the only intimation I had of it. I will tell the hon. gentleman now that I know of my own personal knowledge, that in some places in the Ottawa River there are only four or five feet of water where there used to be twenty-five or thirty feet, that all the bays between here and Grenville are filled up with sawdust, and that the water as far down as Montreal is being polluted and the people are suffering severely. It is high time that something should be done. I have been urging this matter four or five years and we had a large committee one year and brought people before us who understood the question, and dealt exhaustively with it, and the committee and this House all came to the conclusion that this nuisance should not be allowed to be continued. After the observations of the leader of the House, I am willing to allow this matter to stand. I have no intention to injuriously interfere with the operations of the Government in any way, but I want to get a decisive understanding that this important question is to be attended to and settled definitely next year if it is dropped this session.

Some hon. SENATORS—Oh no.

Hon. Mr. CLEMOW—We must be reasonable.

Hon. Mr. KAULBACH—We have been reasonable too long.

Hon. Mr. MACDONALD (B.C.), from the committee, reported that they had made some progress with the bill, and asked leave to sit again.

## BILL INTRODUCED.

Bill (147) "An Act respecting a certain Treaty between Her Britannic Majesty and the President of the French Republic."—(Mr. Angers.)

The Senate adjourned at 6.15 p.m.

---

## THE SENATE.

*Ottawa, Monday, 16th July, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## ADDRESS TO HER MAJESTY.

Hon. Mr. ANGERS—Before we proceed with the Orders of the Day, I rise with great pleasure to propose that an Address of congratulation be offered to Her Majesty the Queen upon the occasion of the birth of a son to their Royal Highnesses the Duke and Duchess of York. The people of Canada have always shared in the griefs of the Royal Family whenever by the hand of Providence they have been visited. It is right, therefore, that when a joyful event occurs, as such events occur often, I may say, in the Royal family, we Canadians and the subjects of Her Majesty throughout the Empire join in thanking Providence, and in extending our congratulations to our beloved Queen. Composed as we Canadians are, of different nationalities and creeds, this is a fitting opportunity to offer to our beloved Queen a tribute of our devotion and our attachment to her crown and person. While other countries are scenes of violence and bloodshed, and when rulers and potentates are struck down by the assasin's dagger, it is right that we should acknowledge that our prayers to God to bless the Queen have been heard and answered and that the Almighty has been

pleased to bless the Queen in her person and in her family and in her subjects. I therefore move :

To the Queen's Most Excellent Majesty :

Most gracious Sovereign :

We, Your Majesty's dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, most humbly beg to tender Your Majesty our cordial congratulations upon the birth of a son to His Royal Highness the Duke and Her Royal Highness the Duchess of York ; and we beg leave most respectfully to assure Your Majesty of the great joy and satisfaction which we derive from this auspicious event.

Hon. Mr. SCOTT—In seconding the proposal to present an address of congratulation to our sovereign lady the Queen on the auspicious occasion of the birth of a great grandson, I not only, I am sure, echo the sentiments of every hon. gentlemen of this Chamber, but of every member of the Canadian family irrespective of race or creed, or the country from which they come. I doubt if, in any part of Her Majesty's dominions, a more loyal and devoted people exist than in the Dominion of Canada. Englishmen in visiting Canada have often been struck with the presence of the Union Jack and the Royal Arms with the "God save the Queen" on the very many occasions on which Canadians are only too happy to express their loyalty to the head of our great Empire. Apart altogether from her personal qualifications, she is typically the centre of the first constitutional government in the world. She has happily reigned over her people now for a period of 57 years, and as has been observed by the hon. leader of the House, Providence has blessed her with the certainty that her race is to continue in possession of that throne for centuries to come. Her progeny have been numerous and there is almost a certainty that the race of which she may, to a certain extent, be said to be the founder, will continue to be the sovereigns of that realm. There was a time, not many years ago, when we had to import a sovereign from Germany. The race of the Stuarts, had run out and we obtained a sovereign from abroad. We know very well that it took a long time for the English people to be thoroughly reconciled to what was, apparently, somewhat of a foreign importation, but today happily there is at the head of this great Empire a Queen who has been, probably, *par excellence*, the greatest constitutional head of a government that modern times has seen. The greatest reforms have been granted during her reign. The democracy that overturned thrones in countries not far off—I might mention France and Spain and other countries of Europe—was met fairly and properly by the English sovereign and the rights of man were guaranteed under the constitution of the country, thus strengthening the ties which existed between the sovereign and her people. It is a long and important subject. We all must feel proud that we are in a position to-day to offer those congratulations to Her Majesty. I need only add that the proposal will meet with approval all over this land and we all hope that her Majesty may continue long to hold the position she does as Queen of this Realm.

The motion was agreed to.

Hon. Mr. ANGERS—I have further pleasure to move that a message be sent from this House congratulating His Royal Highness the Duke of York and Her Royal Highness the Duchess of York on the joyful occasion of the birth of a son to Their Royal Highnesses.

The motion was agreed to.

Hon. Mr. ANGERS—I have the honour to move that an humble address be presented to His Excellency the Governor General in the following words :—

To His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Viscount Formartime, Baron Haddo, Methlic, Tarves and Kellie in the Peerage of Scotland, Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom, Baronet of Nova Scotia, Governor of Canada.

May it Please Your Excellency :—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, have resolved to send a message of congratulation to Their Royal Highnesses the Duke and Duchess of York upon the joyful occasion of the birth of a son to Their Royal Highnesses.

We beg leave to approach Your Excellency with our respectful request that you will be pleased to transmit the said message to their Royal Highnesses the Duke and Duchess of York in such way as Your Excellency may see fit.

## THIRD READINGS.

Bill (139) "An Act to incorporate the Pontiac and Ottawa Railway Company."—(Mr. Clemow.)

Bill (132) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company."—(Mr. MacInnes, Burlington.)

Bill (57) "An Act to incorporate the Gleichen, Beaver Lake and Victoria Railway Company."—(Mr. Perley.)

Bill (157) "An Act to again revive and and further amend the Act to incorporate the Brockville and New York Bridge Company."—(Mr. Clemow.)

Bill (85) "An Act to incorporate the Boynton Bicycle Electric Railway Company."—(Mr. Read, Quinté.)

## FISHERIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (145) "An Act further to amend the Fisheries Act."

(In the Committee.)

Hon. Mr. ANGERS—When the committee rose, we were considering clause 14 and had some discussion as to the meaning of "tidal waters." I gave it as my impression and opinion that the term "tidal waters" meant that portion of the sea where the water flows and recedes. By referring to Webster's International Dictionary I find that that interpretation is the true one—"water affected by the flow of the tide hence broadly the sea board" is the meaning given of tidal waters, or tide waters, but as it is better to make this perfectly plain, and as I am informed by the Minister of Marine and Fisheries that it is not the intention to prevent the drifting of nets at a certain distance from the sea shore, which is absolutely necessary during the Saturday night and Sunday all day so that fisherman may have bait for the next Monday morning, I have to offer to the House a new clause which will make it much plainer and will only necessitate the raising of nets and seines within a given limit. As to the time that those seines have to be lifted there is no change in the proposed clause from what the old law was.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. ANGERS—I am glad my amendment gives my hon. friend pleasure. The clause I have to offer will be in the following words:

14. From the time of low water nearest six of the clock in the afternoon of every Saturday to the time of low water nearest six of the clock in the forenoon of every Monday in tidal waters, and from six of the clock in the afternoon of every Saturday to six of the clock in the forenoon of the following Monday in non-tidal waters, all sedentary fishing stations and weirs, and all pound and trap-nets, seines, gill-nets and other apparatus used for catching fish under license, shall be so raised, closed and adapted so as to admit of the free passage of fish through, by, or out of the same, and during such close time no one shall catch fish in such sedentary fishing stations, weirs, pounds or trap-nets, seines, gill-nets or other apparatus used for catching fish under license.

Therefore this restriction will only apply to nets and fishing apparatus for which a license must be obtained, which is not the case for nets set out from the shore for the purpose of catching herring or bait.

Hon. Mr. KAULBACH—It is confined to what we call traps.

Hon. Mr. ANGERS—Traps, I suppose, would apply to the catching of lobsters.

Hon. Mr. POWER—The hon. Minister congratulates me on the fact that I am pleased with this amendment. Naturally I am pleased, because if the contention of the hon. gentleman and some of his supporters in this House when dealing with this matter before had been adhered to, this very important concession would not have been made to the fishermen. By this amendment the law is fixed practically as it stands in the Revised Statutes, because no licenses are required to catch mackerel and herring, and licenses are required to catch salmon; so that substantially the law remains as it stands now. The hon. gentleman should have congratulated the Senate upon the fact that this body had been the instrument of making a very great improvement, indeed, in the bill as submitted by the Government. If the fishermen throughout this country could only become aware of this most important change and improvement, you would not get many of them to vote for abolishing the Senate, for some little time at any rate.

Hon. Mr. KAULBACH—I am sure the leader of the House is pleased to know that through the opposition given to his bill, the close criticism by my hon. friend from Halifax and myself, avoiding all doubts and uncertainties as to the meaning of the clause, an amendment has been made which is so much in the interest of the fishermen.

I am sure he did not view the opposition made on this side of the House as being offered in a captious spirit.

Hon. Mr. ANGERS—No, I never do.

Hon. Mr. KAULBACH—It was done in the interest of a large portion of the people in the Maritime Provinces. I am glad that the opposition of my hon. friend, supported by myself and others, had the effect of improving the bill in several essential particulars.

Hon. Mr. ANGERS—I never take a suggestion from anybody in this House as being made with the intention either of embarrassing me (although it often does I suppose) or of obstructing or injuring legislation, and in this instance, if I had not been a member of the Senate myself, I should have exalted the Senate in my congratulations on the great improvement made in the law, but my natural modesty prevented me doing that and I left it to the hon. member from Halifax.

Hon. Mr. DEVER—I might ask the hon. leader of the Government if the members representing St. John City were consulted in this matter, because we have a peculiar fishing privilege in the harbour, which I think this word "sedentry" would apply to. We have stationary traps there. I do not think these fishermen could open the traps during the hours you describe, and it would greatly inconvenience them. We have an Imperial charter for the city of St. John, and under that charter I think the city of St. John sells the privilege of fishing.

Hon. Mr. ANGERS—No, the charter of the harbour of St. John is for the purposes of the harbour, for the purposes of building wharfs and for putting out lights and buoys and reaping the benefits therefrom, but it does not apply to the fish coming from the high seas. If all the fish that went to St. John never came out perhaps we would allow them to kill every one of them, but as migrating fish will go beyond St. John, it is not right that the fishermen of that city should have an advantage which all the fishermen of the coast of New Brunswick and Nova Scotia and on the St. Lawrence have not. As to those set traps, they have to be opened on the St. Lawrence and on the Baie des Chaleurs and in Nova Scotia and New Brunswick as well. It is done by leaving the traps or the box open. You do not have to destroy the standing traps but you simply have to leave the box open.

Hon. Mr. DEVER—I think there is a misapprehension about this matter. I know that since I was a boy, the city of St. John always sold privileges of fishing with traps in the harbour.

Hon. Mr. ANGERS—They would do that because of the fact that they own the soil, but they do not own the fish.

Hon. Mr. DEVER—And I believe they do it with proper authority and I have an objection to the Dominion taking that authority from them.

Hon. Mr. ANGERS—We do not do that.

Hon. Mr. DEVER—You use the word "sedentary," I would call it stationary appliances. The stationary appliances are being used in the harbour of St. John and I know that those appliances are trap-nets. Fish get in there at high tide and cannot get out. I do not think it would be possible to come under the law as you describe it here, and unless those parties were consulted before such a law was passed, I would be disposed to oppose it.

Hon. Mr. KAULBACH—Those traps are used in many parts of Nova Scotia and the same privilege is exercised there and whatever rights they get under the old law they will still have under this.

Hon. Mr. POWER—There is one suggestion of the hon. gentleman from St. John worth considering, and that is the addition of the word "stationary." The word "sedentary" is a word liable to be misapprehended by unlettered people. If you insert the word "stationary" it will remove all possible doubt.

Hon. Mr. ANGERS—One is wider than the other; and the word "stationary" is limited. It would apply to the floating net from the shore whilst the other would not.

Hon. Mr. DEVER—I think there is a misconception about that law. I do not refer to the law of Canada. I have reference to the law given by the British Government

to the city of St. John which gives them the privilege of selling fishing privileges of the harbour, and unless the Government has ascertained whether I am right or not, I think it is dangerous to pass a law which possibly might come in conflict with the power which I know they have. It is not a law passed since confederation, but is one anterior to that—100 years back. I know, of my own knowledge, that they have had that privilege for 50 years. They always have sold the fishing privileges every year and still do it.

Hon. Mr. ANGERS—By this law we do not take from the harbour of St. John the privilege which they claim of giving licenses. You will have that in the same way, but we say all those nets and so on shall be raised from Saturday to Monday morning. You do not object to that?

Hon. Mr. DEVER—No.

Hon. Mr. POWER—As a matter of fact, the clause before us does not materially alter the law as it stands at present.

Hon. Mr. ANGERS—It makes it more general. It was limited to salmon, but it is now made to apply to all fish.

Hon. Mr. POWER—I have not investigated the question as to the fisheries of St. John, but my impression is that the Minister of Agriculture is correct, that the corporation of St. John own the fish in their capacity of riparian proprietors, and that does not oust the right of the Dominion Government to make regulations as to the fisheries. The hon. gentleman from St. John should be pleased to find that the shad and other fish which come up there will have an opportunity of going up the river and to multiply as they will under this enactment.

Hon. Mr. ANGERS—I may state to the hon. gentleman that the case of St. John is not the only one of that character. In Quebec there are hundreds of miles of shore on the St. Lawrence exactly in the same position, the title being held under the King of France previous to the cession of the country giving to the seigneurs the right of fishing in the St. Lawrence or in the sea adjoining. Notwithstanding that they have had to submit, in the common interest of the nation, to the regulations calculated to protect fish.

Hon. Mr. DEVER—I do not wish to be understood as opposing the protection of fish; on the contrary, I am in favour of it, but I thought it my duty to point out that the corporation of St. John had a special power or privilege given to them by the British Government perhaps one hundred years ago, and I felt it but right that I should make it known in order to avoid any conflict or misunderstanding. Of course, if the hon. Minister says that there is no interference with that privilege, I am perfectly satisfied.

The amendment was adopted.

Hon. Mr. ANGERS—The amendments proposed by the hon. member from Rideau is to strike the whole of the proviso out of that paragraph and substitute the following:

> Provided always that the provisions of this section shall not apply until on and after the first of May, 1895, to the saw-mill-owners and employees of any saw-mill situated on any stream which was wholly or partially exempted from the operation of subsection 2 of section 15 hereby repealed.

Now the purpose of this amendment is to remove from the Minister of Marine or the Governor in Council the power to make a distinction in the public interests to allowing saw-dust to be thrown into the river. The exemption, so far, I believe, has only been applied to favour the lumbermen on the Ottawa.

Hon. Mr. DEVER—One other.

Hon. Mr. ANGERS—Which other?

Hon. Mr. DEVER—Mr. Gibson, of New Brunswick.

Hon. Mr. ANGERS—I do not know whether he has a permit. Will the chairman say whether he does that under the authority of the Minister of Marine and Fisheries?

Hon. Mr. PERLEY—I think so.

Hon. Mr. ANGERS—It may be done in violation of the law, but the important exception refers specially to the immense lumber trade of Ottawa which is to be calculated by millions of dollars. Is it right that upon such short notice this amendment should prevail over what has been done in the past? What will it accomplish? It is not for the purpose of preserving the fish, because I do not suppose there are $500 worth of fish in the Ottawa River between

here and Montreal. There never was much fish in the Ottawa.

Hon. Mr. CLEMOW—Yes, there was.

Hon. Mr. ANGERS—We have always supplied them here chiefly from the east, and the fishing interest should not be made a ground for harassing the immense trade which has built up this place. There is another reason why it is asked for—the danger of making the navigation of the Ottawa less advantageous than it is now. That is a serious objection, and one which the Government has looked at earnestly quite recently. I hope on this point I am in a position to satisfy the hon. member who has moved this amendment and that he will be good enough not to insist upon it and to allow the clause to pass as it now stands, under the following undertaking: The Department of Public Works and the Department of Marine and Fisheries are arranging for a joint inquiry into the subject of exempting any stream from the operation of the Act relating to the deposit of saw-dust, with a view to such legislation as may be required this session.

We do not know when this House is going to close, but very soon after prorogation the House will be called again to meet, so that when we speak of next session we speak of a short period of time, and I hope therefore that the amendment will be withdrawn. There has already been an inquiry and there is a report from Mr. Fleming on the subject. Until this inquiry has been completed and until the Government is in a position to give those mill-owners sufficient notice not to throw their saw-dust into the river, and until steps are taken to restore the Ottawa to its normal depth, I hope the hon. gentleman will not insist upon the amendment but allow the proviso to stand as it is now.

Hon. Mr. KAULBACH—I hope the hon. member from Rideau will not weaken in the position he has taken. Evidently the leader of the House has not his usual earnestness and force of conviction in the argument that he uses. He evidently does not feel strongly on the matter. Otherwise he would have treated this matter differently from what he has done. It is evident that this lumber industry has been terrorizing the legislature of this country. We had this question up three or four years ago and the assurance was given then this terrible nuisance would be abated. Fancy seventy feet in depth of saw-dust in the bed of this river under our eyes, and the explosions caused by the decomposition of such an enormous accumulation! It is a bad example to set to the whole country. If this river can be exempted in the public interest, I cannot see why any river in Nova Scotia cannot be exempted for the same reason. The same thing might be allowed to go there. It is impossible for us to enforce this law unless it is made general. We should not have partial legislation. If my hon. friend can show that longer time is required than until next May to make this change in the mills of Ottawa, there might be some reason in it, but my hon. friend will not say that it will take longer than until next May. Let the Senate do its duty now. Let us have no more vacillation. No such chance may soon again offer. Rather than lose the bill, the Government will accept the amendment.

Hon. Mr. ANGERS—Yes.

Hon. Mr. KAULBACH—It can be made in a short time. I have no sympathy with those lumbermen in their persistent defiance of the law. The public interest would be served and the lumber trade would go on just as well if the mill-owners were not so stubborn. They have made fortunes while depleting our forests. I believe our country would have been better off if those forests had been allowed to remain instead of being exposed to waste, havoc and destruction, with comparatively little benefit to any one else than the lessees of the timber limits and the mill-owners. These men have got rich, and I do not see why we should allow them to terrorize over us, because they are possessed of great power and influence. Their influence is very great even with members of Parliament and with the Government, and the Government should not be placed in such a position that they might yield to it. We should have an impartial law, which they shall be obliged to administer to all alike. It is a power which, in their own interest, should not be left in the hands of the Government. The proviso is not in the public interest. Where I have tried to have this law enforced rigidly in Nova Scotia, I have been told, "Look at Ottawa." If the Act can be violated in Ottawa by the sanction of the

Government, why should we expect the small streams of Nova Scotia to come under the law?

Hon. Mr. SCOTT—Those gentlemen who had the opportunity of looking at the map exhibited here the other day will have very little difficulty in coming to a conclusion as to the course they should pursue on this subject. We have a magnificent river. It used to be called the Grand River and it was looked upon as the highway from the St. Lawrence to the great lakes. It was the highway that the great navigators 200 years ago followed to go to the North-west, and it is the natural highway of the country. In any other country than Canada that highway would now be occupied by a fleet of vessels. There is no shorter route between the great west and tide water than by the Ottawa River. It is hundreds of miles shorter than any other route and vessels can navigate it more safely. The low rate of insurance as compared with the insurance on vessels passing through the great lakes would pay the interest annually on a very considerable amount of the cost of improving the navigation of the Ottawa River. But there are no votes in the Ottawa valley. It has nobody to represent it—there are no members of Parliament coming from along the banks of the Ottawa except a comparitively few, and the influence of the lumber trade on the saw-dust question has been very strong—too strong apparently for any government to resist. No government that I am aware of has for a moment attempted to justify the destruction of so noble a river. In front of this city, opposite Nepean Point, there are 30 or 40 feet of saw-dust and more or less at various points between this city and Montreal. This Senate appointed a very numerous body of its members to investigate this subject eight or ten years ago. They made a very strong report upon it. The evidence is uncontradicted. Captains of boats appeared before the committee and swore positively that the navigation of the Ottawa was becoming year and year more difficult, and all through the mill refuse deposited in the river. Forty years ago the lumber trade was in its infancy. As has been observed by an hon. gentleman, it has passed that stage. We passed a short time ago a bill for the purpose of improving the navigation of the Ottawa,—opening up the Ottawa River by a canal system to Lake Huron. I can remember myself, 30 or 40 years ago, when I took part in an agitation and when money was voted to commence canaling the Ottawa. Money was voted and work done at the Chats that went a considerable distance towards completing one section of the canal. Unfortunately at that time Canada's credit was not as good as it is to-day, and that work had to be abandoned. That was 35 or 40 years ago, when Mr. Egan represented the county of Ottawa. After that the Grand Trunk Railway and other railways on the front absorbed public attention and drew away the public funds to build up those enterprises, but it is quite certain if this river were in the possession of any other people, it would not remain in its present condition long. I look back at the utterances of hon. gentlemen and I am amazed that after 3 or 4 years their promises are still unfulfilled. Let us take up the House of Commons "Hansard" for 1890. I find that the Hon. Mr. Tupper, then Minister of Marine and Fisheries, was making some amendments to a bill entitled "An Act for the protection of navigable waters." He had to make an apology that he was not then repealing the particular clause to which the amendment now before us is directed. Mr. Tupper said:

> The second clause of the bill is of a more important character and I purpose to repeal the clause of the statute as it now stands, giving power to the Governor in Council to exempt any rivers or streams from the operation of the Act and to permit those mill-owners who now enjoy an exemption under the old statute to make preparations during the next year to dispose of the saw-dust and prevent its deposit in streams and waters; and after that the Act shall apply equally.

Those were the words of the present Minister of Marine and Fisheries. That is what he thought and what the Government thought and what they promised Parliament to do in 1890. The question had been brought up repeatedly before them. And what did Mr. Abbott say? Did he defend it? No, he apologizes just as Mr. Tupper did.

Hon. Mr. ANGERS—I do not do less than they do.

Hon. Mr. SCOTT—The time for apologies has gone by. The year has expired and another year and another year and another and a fifth year has been added to the list since that promise was made. If it were not possible to dispose of the saw-

dust otherwise, I would not press it, but any one who has travelled through the western country, who has seen the mills cutting millions and millions of feet of lumber, with their tall chimneys burning up that refuse and not spoiling their harbours and rivers will say that it can be done here. If it can be done there why cannot it be done here? It is a pure matter of dollars and cents. In 1891, Sir John Abbott made another apology for its being continued. He says:

> I have not had much opportunity myself to investigate this matter, but it appears to be the general opinion of my colleagues, in so far as I have gone into the question, that the exception which prevails in favour of the Ottawa River ought to be abrogated, and I would ask my hon. friend to withdraw his bill for this year, in order that the mill-owners may not be too suddenly, by force, compelled to make changes which would be very expensive and inconvenient. My hon. friend has been good enough on that consideration to agree to withdraw his bill for this year, with the understanding, as far as I can say such an understanding can be arrived at beforehand, that his measure will receive the assistance of this Government, if it should be in power, in the year to come.

Those are the utterances of gentlemen who spoke for the Government of this country, and I ask hon. gentlemen whether, at the present time, they are prepared to sacrifice the interests of the people of this country in order that a few gentlemen may be benefited to the amount of a few thousand dollars a year. During the debate in 1891 several hon. gentlemen from the lower provinces joined in it, and there was a good deal of indignation expressed that those favours should be extended to the wealthy mill-owners of the Ottawa, and not granted to the mill-owners on the various streams in the eastern provinces. An hon. gentleman says:

> Why should small one-horse saw-mills like ours be stopped when, if we go to Ottawa and look down upon the prettiest scene that can be found in the whole Dominion of Canada, you will see the river covered with saw-dust and no attempt is made to stop the practice of throwing it into the river? We bring strangers to the capital and show them the beautiful grounds, and the hills across the river. We show them the falls, but you can hardly find any part of the river below the falls that is not covered with saw-dust and mill refuse. It is a disgrace that right under the parliament buildings, right in the face of the Government, this evil has been allowed to exist to the present day.

The Hon. Mr. Snowball took strong ground on that occasion and maintained that the mill men down on streams not navigable except for canoes and boats were obliged to conform to the law, and yet this river is to be destroyed, not only its beauty but its utility also, in order that the mill-owners may be saved a few thousand dollars a year. If they were men commencing in the industry, if they were struggling—

Hon. Mr. OGILVIE—It is not a question of saving money for them.

Hon. Mr. SCOTT—Suppose it were put on the ground of expense, which was the ground on which Mr. Abbott asked for one year, that it was inconvenient and that it would put them to some trouble and expense, we have given them 10 years,—we have given them 30 years. It has been going on for over 30 years. Are we to go on for another generation? Will not our children hold us responsible when the river is absolutely destroyed? How are you going to remove the saw-dust? We had a sample of it here. A couple of years ago the river at the foot of the locks was blocked. You could not get a boat out. Common dredging will not do it. Then again there are constant explosions taking place. It is not safe to go out on the river. You may be thrown into the air at any moment. You take a body of saw-dust that is 25 or 30 feet deep; the cold water does not permeate to the bottom and heating goes on and fermentation takes place, gases form and the whole thing is blown up, often with such force that in the winter ice three or four feet thick has been broken as if it were only an inch thick. Nothing can resist so powerful an explosion. Under these conditions I think the Government, if there is any seriousness about it at all, should take action at once. If it is more important that two or three gentlemen should be permitted to make an extra $8,000 or $10,000 a year than that the navigation of the Ottawa River should be preserved, then give it to them gracefully, but do not let us go on making promises that we will do it in another year and so on, or else it will go into the next generation.

Hon. Mr. OGILVIE—There has never been a subject brought up in this House in which I have had such immediate and direct interest, or felt so strongly about, as this one. I gave my evidence before the committee which was appointed at the instance of the Hon. Mr. Clemow. I am not sure that I am correct, but I think I am. I told the committee that there was no trouble at all in

burning the saw-dust, that I had been that summer up round the Georgian Bay, and that I had seen the mills all round there destroying their refuse in that way. One of the bugbears held up to us at that time by the late Mr. Perley was that if you built a big chimney to burn the saw-dust and refuse you would endanger the mills roundabout it. That is not the case at all, because the largest mill I know on Georgian Bay is at Waubushene, owned by the Dodges, and they burned up every kind of refuse right in the middle of the lumber piles. If ever there was a time when this should be attended to it is now. Mr. Booth speaks of rebuilding his mill, so the papers say. He is the largest lumberman in the country, and if he is going to rebuild his mill it is quite as easy for him to construct it so that he can burn up the saw-dust and the refuse as to construct it in the old way. I do not agree with the hon. member from Ottawa (Mr. Scott) that it will cost so many thousands of dollars a year at all. All that it costs is simply the machinery and about one man to it—two men if they work night and day, and that will destroy the whole of what is now ruining the Ottawa River. It is a disgrace to our country to think that our river is being ruined from year to year, and for what? Not for any use. They can just as well burn their saw-dust and refuse as other saw-mills throughout the country. They burn it everywhere else and why not burn it here? If the present opportunity is not taken advantage of, Mr. Booth would have a good right to say next year if he rebuilds, "Well before I built why didn't you tell me, and I would have built so as to use up my saw-dust and refuse." It is not often that I have anything to say against what the Government proposes, but I think in the present case if ever there was a time when an evil practice should be put a stop to it is now. I do not often agree entirely with the hon. gentleman from Ottawa, but I certainly must agree with him now. This evil has been going on unchecked for the last 30 years. When is it going to stop? I think the time to stop it is now, and the quicker we stop it the better.

Hon. Mr. ANGERS—It has been stated that the Senators of the United States have been suspected of being under the influence of the sugar trust. Certainly it would not be stated here that the Senate of Canada is under the influence of the saw-dust men, because one article is much less palatable than the other. Referring to the amendment proposed I have begged for delay, but as the hon. gentleman will notice I did not put this forward as a pressing request or as an obligation that the House must comply with it. I am very willing always to rely upon the wisdom of the House. I cannot take upon myself the responsibility of amending this bill in the sense proposed, but certainly I do not propose to exercise any coercion; I never wish to exercise undue pressure upon the members of the House, and if it is their wish and desire that this remedy shall be applied now, I shall readily comply.

Hon. Mr. CLEMOW—I have taken a very lively interest in this matter for a number of years. The argument of the hon. leader of the House would be perfectly in order if this were the first time the question had been mooted in this House, but unfortunately four or five years have expired since I brought it up and nothing has been done. If these men had any feeling of delicacy at all, knowing the intense feeling from one end of the country to the other on the subject, they would have been the first to act, because the Government have been protecting them from year to year. The Government are the trustees of the country, and they have no right to allow our river to be destroyed, any more than any ordinary trustee would be justified in allowing property placed in his hands to be damaged. I think they have committed a great wrong on the people of the country. The river should be open to all and not monopolized by anybody I care not who he is. I know as much of this trade as any man in the Senate. I know what it was and what it is at present, and I know that these gentlemen who came here and made fortunes have made them out of the country. They came here poor men, many of them, and have made all their money out of this country. Had our Government taken care of the timber of the country, I believe the value of it would have been sufficient to pay a large portion of our national debt. Taking all this into consideration we are not much indebted to these lumbermen. They may be entitled to a great deal of praise for the way they have conducted their business, but when a great question of this

kind comes up I think we are in duty bound to look at the general interest of the country irrespective of what interest it may affect private or otherwise. I am twitted every day and told that the Government will not interfere with those men. But I do not believe that. The Government have been following a wrong course but I believe they have been actuated by what they thought were proper motives. But the time has now arrived when the evil should be put a stop to. If we delay it, we will find the same objections urged next year. I want to give them a reasonable time. I want to give them to the first of May, 1895, and they can make all the necessary preparations to do away with the nuisance with advantage to themselves. In Deseronto they make that refuse into gas and burning material, and they can make money out of it. Why can they not do the same thing here? What does it amount to? A few hundred dollars. But irrespective of that, I think they should be the first men to assist the Government in getting rid of the nuisance. I do not think the Government, in their own interests, should ask to have this matter postponed for another year. They should place the responsibility on the representatives of the people. The Government would very often save themselves a great deal of trouble and difficulty by throwing the responsibility, in certain matters on the representatives of the people. If we adopt this amendment, we will hear nothing more of the great destruction of the river between here and Montreal. There is also danger to human life from these deposits of saw-dust. The year before last an explosion took place at New Edinburgh, which, had it taken place an hour later, would probably have resulted in the killing of 300 or 400 children. The hon. member from Toronto was there, and had it been one hour later he would probably have lost his life. I am acquainted with this business as well as any man in Ottawa, and I can say that it is doing no service to the people to allow this nuisance to exist, and the very moment you pass this enactment the mill-owners will find a remedy. The Government must give the people of the country the free use of the river. They are entitled to it. You are now arranging to build a canal. You cannot do it. It is going to cost a great deal of money to remove that refuse from the bed of the river and make the channel navigable. It will cost more than any one can imagine. There are seventy-two feet of saw-dust deposited on the line of the inter-provincial bridge between here and Hull, and it would cost some two or three thousand dollars to remove that, I do not know whether that some would do it. If we were to remove this refuse from the Ottawa River, it will involve an enormous expense which the people of the country will have to bear. I think there will be a complaint made against the Government if they do not take advantage of the present opportunity to say: "You shall stop this nuisance." It is high time this law was passed.

Hon. Mr. DEVER—Does that amendment apply to the River St. John as well as to the Ottawa River?

Hon. Mr. POWER—Certainly, every river.

Hon. Mr. DEVER—Because the River St. John is a more important river than the Ottawa. It is one of the greatest fish rivers in the world, and why the Goverment would take such trouble to preserve the fish in the River St. John and then allow the fish to be destroyed, I cannot understand.

Hon. Mr. ANGERS—Oh yes, it would apply to that river.

Hon. Mr. PRIMROSE—I had the privilege and pleasure of going through that mill of Mr. Booth's which was burnt recently, from the driving wheels to the upper story, under the conduct of one of the proprietors, and knowing something practically about mills, I have been a little amused I must say at the remarks of the hon. gentlemen of the legal profession, in minimizing the difficulties that exist in the way of preventing this nuisance, if nuisance it be, and from the remarks which I have heard I should say it is decidedly a nuisance here. As that mill was constructed it was almost impossible to have made the necessary arrangements. That I know; I speak practically. I went from the driving wheels to the top of the building and I was in conversation with one of the proprietors about this very matter, and I say it would have been almost impossible to have provided a method, as that mill was constructed, of burning the saw-dust. The conditions are altered

and the mill is destroyed, and if at any time this reform is to be carried out, this is the time to do it. It can be done now without apparent difficulty or very heavy cost.

Hon. Mr. ANGERS—I wish to rely upon the experience of men who understand something about saw-mills. I know nothing about them myself, but I have the idea that has just been expressed by the hon. gentleman that in some mills it is not so easy as one would believe ; therefore I would rely also on the wisdom of the House to determine whether the time that is suggested is sufficiently long.

Hon. Mr. PRIMROSE—Oh, yes.

Hon. Mr. CLEMOW—Respecting the remarks of the hon. gentleman from Prince Edward Island (Mr. Primrose), I would say that Mr. Booth is more criminal than I thought. He rebuilt this mill last year and the notification was given him some four years ago. I was under the impression that as a wise and sensible man, he did make the necessary arrangements to put away the saw-dust, but now the hon. gentleman says that such is not the case. I say that he is not entitled to any consideration if the hon. gentleman's statement is correct. He has had ample notice, and he should have made the arrangements for it. The remarks of the hon. gentleman convince me more and more of the necessity of making this clause operative soon, so that these men will not have the opportunity of saying "Oh, I built my mill and you did not tell me." I am informed that Mr. Booth did make the necessary arrangements to keep the saw-dust out of the river, and I can get the evidence—I can get the men who superintended the building of that mill to establish the fact.

Hon. Mr. ANGERS—I suppose it is understood that this law will apply to ashes as well as to saw-dust.

Hon. Mr. CLEMOW—Most certainly ; I am prepared to prevent any man in the land from polluting the waters of the river. You can apply the law to the fullest extent, and I will go with you. I believe in keeping the streams pure.

Hon. Mr. REESOR—I wish to call the attention of the leader of the House to this fact, that as he is now Minister of Agriculture he should consider what will benefit agriculture not only in Canada generally, but particularly in this neighbourhood. The ashes from the burning of the saw-dust would be of value as a fertilizer. I know that pine ashes do not contain a great deal of potash, but still there is enough to make the ashes valuable as manure and they should pay the expense of burning the saw-dust. If you let the present practice go on, you will add continually to the expense of ultimately getting the river deepened. In an economical sense there will be a greater advantage in stopping now and not allowing any longer the saw-dust to go into the river.

Hon. Sir FRANK SMITH—Did you ever know of potash being made of pine ashes ?

Hon. Mr DEVER—I am aware that ashes made from mill refuse will sell for sixpence a barrel. I have paid that price for it myself, and I know we cannot get it now because it is sold off in large quantities for fertilizing.

Hon. Mr. REESOR—I did not say that you should make potash out of the ashes, but that it was the potash in the ashes that made them valuable for manure.

Hon. Mr. KAULBACH—But my hon. friend suggested these large chimneys, it all goes off in smoke, leaving no ashes which is much like our immaterial talk to-day.

The clause was adopted.

On clause 8,

Hon. Mr. POWER—This is a clause which I think the Senate should not accept. It is proposed to strike out subsection 3 of section 18 and to substitute this for it. This is a more sweeping and arbitrary provision than the existing one. Some of the offences under this law are very trivial. The vessels used by fishermen are sometimes worth four or five thousand dollars. Their boats and nets are also exceedingly valuable. Under this proposed clause all that the fisherman owns may be taken from him and confiscated for a very trifling offence. There is no qualification—it does not provide that they shall be sold and the fine paid out of the proceeds of the sale, or anything of that kind, but simply that the vessel, boat, apparatus and everything

shall be absolutely forfeited. What are the offences? It may be that the fisherman sets his net half an hour after the time it should be taken up under the Fisheries Act, or he may violate the close season in some trivial manner, but if he violates any of these provisions, some of the offences described being very trifling, for every offence under this Act a man forfeits his vessels, boats, nets, seines and everything. Everything is forfeited without any appeal. That is a most arbitrary and tyrannical enactment. We should leave the Act as it is—all implements used and fish caught shall be confiscated and in addition to that the party is liable to the penalties mentioned in the 7th clause. I move that this clause be stricken out.

Hon. Mr. ANGERS—Why should we not make the laws apply to our own people exactly as we impose them on others? If a United States schooner comes into our waters and violates the law what do we do? We confiscate that vessel, which may be worth from ten to fifteen thousand dollars or more, and if our own fishermen do the very same thing should we be satisfied with merely confiscating their nets which would be worth from forty dollars to one hundred dollars? Is it right? I do not think it is. The law should be as stringent against our own people as against strangers, and why should not a man lose his vessels, his boats, his rafts, or vehicles when he is improperly carrying on the fishing industry? He knows quite well what he is doing. If he is fishing in the close season he is quite well informed of it. He runs his risk; he does so in the hope that he will not be caught. If he uses a canoe for spearing salmon in the river, why should he not lose that also, and his vehicles —why should he have the privilege of coming along the shore at night with horses and carts to do an illegal act.

Hon. Mr. POWER—I do not mind the vehicles particularly.

Hon. Mr. ANGERS—Why not the vessels and boats?

Hon. Mr. DEVER—The boats ought to be.

Hon. Mr. ANGERS—A man has a boat and uses it illegally and you do not want to confiscate it, yet you would punish a United States citizen by confiscating his boat.

Hon. Mr. POWER—The United States citizen violates our territory as well as our laws.

Hon. Mr. ANGERS—He might have a license and he would then be on the very same footing as a Canadian, and yet he would be treated differently under this statute, unless we keep this clause which provides for the seizure of boats, canoes and vehicles. I think the law should be the same for our own people as for foreigners.

Hon. Mr. KAULBACH—I do not know where to draw the line between vessels and boats. The vessels used in this sort of fishing are not so valuable as my hon. friend thinks. They are generally small boats, probably not worth more than $100 or $150.

Hon. Mr. POWER—I have made my protest against this legislation. I think it is legislation such as you will not find on the statute book of any country in the world.

Hon. Mr. ANGERS—Oh, yes.

Hon. Mr. POWER—The hon. Minister cannot point to any precedent of this character. I should not mind if this penalty applied to every serious offence, but it applies to every offence under this Act, every violation of any regulation made by the Department of Marine and Fisheries. It is a provision which is tyrannical in the extreme, and if the hon. Minister will consult his colleagues about this clause he will probably find that they will be disposed to reconsider their action as they did in the case of the one we dealt with in the beginning of this sitting.

Hon. Mr. ANGERS—The offences under this Act are so easily committed and so difficult of detection that the punishment must be great.

Hon. Mr. POWER—The idea appears to be that you are to treat the unfortunate fishermen as enemies of the human race and that if a fisherman happens to step over the boundary in any way you confiscate all his property. If a man, whose family may not have bread enough to eat, happens to set his net a little too late, or in any way infringes on these regulations, then his property is to be confiscated on sight. There is nothing like it anywhere in the world.

Hon. Mr. ANGERS—The custom laws are as severe.

The clause was adopted.

On clause 9,

Hon. Mr. POWER—This is a provision of the same character as that which we have just adopted. It is calculated for the latitude of St. Petersburg, and not for this latitude. Under the English law there are numerous decisions as to what constitutes an offence, and under the English law, as laid down by the courts, if a fisherman catches a barrel of fish, the catching of each fish is not a separate offence, but the whole act constitutes one offence. Having made provisions of the most stringent character in other parts of the bill for the punishment of these offences, imposing forfeitures and heavy fines, fines which when one considers the circumstances of our fishermen generally are very heavy indeed, the Department of Marine and Fisheries have gone further and set aside the principles of English law and laid down that the taking of each particular fish is an offence. Just fancy if a man caught a barrel of fish, which might contain 200 fish, what the fine would amount to. It would be a fortune.

Hon. Mr. REESOR—$2,000.

Hon. Mr. POWER—Hon. gentlemen opposite do not seem to realize the enormity of the character of this clause. The provisions which are in the existing law are quite stringent and severe enough. The House has already taken action with regard to this measure which is calculated to raise it in the esteem of the country, and if it wishes to raise itself still more, it will certainly strike out this clause, which is a most obnoxious and objectionable one.

Hon. Mr. KAULBACH—On the last objection made by my hon. friend, I did not feel strongly enough with him to make a protest, but in this matter I must. There is no class of men that deserve more encouragement, aid and sympathy than the fishermen along the shore. They have inherent pluck, indomitable will-power and endurance. Their business fluctuates. They may have one prosperous season and the next one may be the reverse, and they are entitled to our sympathy. In a bad year, they may be driven by necessity, in providing for their families, to infringe the Act. To make the catching of each fish a separate offence is, to my mind, tyrannical—tyranny is hardly the word for it; it would be oppression in the worst form. I hope the leader of the House will not press the clause. The object of this law is to preserve and regulate the fisheries and to check the improper catching of fish. An example is all that is required, and it is not necessary, for the purpose of making an example, to impose such a heavy penalty. I do not think our fishery officials are as a rule tyrannical or injudicious, and when a moderate fine is imposed you can enforce the law; but if you impose such a penalty as this clause provides for, nobody will attempt to enforce the law—certainly it will not be enforced in the county from which I come. The perpetrator will have the sympathy of the people and he cannot be convicted. If my hon. friend wishes to have this law go into operation and have the effect designed, then let him alter that clause, otherwise, I do not think, in the county of Lunenburg at any rate, that that law can be put into operation effectually unless modified as suggested, so that the public may see that it is reasonable and in the interest of fishermen and the preservation of the fisheries.

Hon. Mr. ANGERS—The House will bear in mind the following provision in the law:—

> Whenever it appears to the satisfaction of the justice of the peace or fishery overseer, that the offence was committed in ignorance of the law, or because of the poverty of the defendant, the penalty imposed would be oppressive, a discretionary power may be exercised.

I think you should rely upon the sense of justice of the local magistrate.

Hon. Mr. POWER—Oh, no.

Hon. Mr. ANGERS—Why not?

Hon. Mr. POWER—This is not a thing that should be left to the discretion of the magistrates.

Hon. Mr. ANGERS—Such a judgment could not be properly put in force against a poor man, but it might be necessary that it should be put in force against a strong firm like the Le Bouthillier—a firm which might carry on fishing with enormous nets contrary

to law. They may be so powerful that they should be punished in proportion to their offence.

Hon. Mr. POWER—They forfeit all the nets anyway.

Hon. Mr. ANGERS—They forfeit the nets and the penalty should be calculated in proportion to the quantity of the fish taken.

Hon. Mr. POWER—A little while ago we had none of those regulations and a man could catch fish as he pleased.

Hon. Mr. ANGERS—But the hon. gentleman is not going back to that time. He has permitted the principle that Parliament is bound to protect the public wealth in our fisheries, and this legislation is calculated to do it. We are not going back to the time when a man was allowed to kill and slaughter fish any way he pleased, with spears and explosives and by all possible means. It is in the interest of the fishermen that this law is made. It is not intended to cripple them, but it is intended for their own protection.

Hon. Mr. KAULBACH—But the severity of it is so great that it cannot be put into operation.

Hon. Mr. DRUMMOND—I think we err probably in the excessive penalty which is provided in this clause. Subsection 8 is a very severe one, and subsection 9 is much less so. If the general exemption clause, which has been read by the hon. Minister, were framed a little differently and with a certainty that it applied to sections 8 and 9, it might do something to modify it, but I do not think it really does. It is intended to apply only to the fines provided in section 18. If so, then the forfeiture of boats, vessels, &c., and also the penalties attached to killing or having in possession each individual fish, may be absolute.

Hon. Mr. KAULBACH—I think my hon. friend is quite right.

Hon. Mr. DRUMMOND—This clause which has just been read by the Minister, beginning with "but whenever" should be made a separate clause and appended to the end of this bill as clause 9*a* or 10, and provide that the poverty of the offender shall be a ground for mitigating the severity of the penalty. To forfeit the whole apparatus of a man because of a breach of a regulation provided under this Act, for a offence committed perhaps in absolute ignorance, is extremely tyrannical.

Hon. Mr. ANGERS—The right to remit forfeiture and penalty is already in chapter 95 of the Statutes of 1886: "Persons aggrieved may appeal to the Minister of Marine and Fisheries who may remit forfeiture and restore penalty." I have no objection to put this clause so that it will apply to all forfeitures and penalties—at the end of the bill altogether, and I modify it in that way.

Hon. Mr. PRIMROSE—I am entirely in accord with the remarks that have fallen from previous speakers with regard to this clause. I think it is altogether too stringent that the catching of each fish should constitute a separate offence, and the subclause should be modified in some way to obviate that difficulty and make it so that when fish or animals are found in the possession of any person he shall be subject to a penalty as specified. As the clause stands it is too arbitrary—arbitrary is too mild a word for it.

Hon. Mr. POWER—This clause before us is devoted simply to the purpose of making each fish and each day a separate offence, and I think the proper remedy is to strike it out altogether. I move that it be struck out.

Hon. Mr. KAULBACH—Generally the fishery officers in Lunenburg are good men, but an officer may have some hostile feeling towards a poor man and avenge himself against him. As to the magistrates, I have no confidence in some of them; I attach no value to their justice or discretion. They are men that I had great respect for when I was a little boy. In these days, we have not much reverence for their judgment or their actions, or as a rule, their respectability. There are some exceptions, but as a rule they are appointed because they have been violent partisans of the worst order. I think that this clause should be struck out. There is ample provision without it to protect the fisheries and punish all offenders who knowingly and wilfully break the law. The clause might be struck out and the bill improved.

Hon. Mr. SCOTT—There is a feature about this which I was not informed of before. I am advised—and I presume rightly—that the fishery overseer, who is the prosecutor, is also the judge, and that he may be, and very often is, a very inferior man. Hon. gentlemen must recollect that this is a very powerful temptation to put in the hands of an individual unless he is a very superior man with very even temper, a man who would not allow his personal or political feelings to enter into any part of the execution of his duty, and I think our knowledge of human nature will scarcely warrant us in coming to the conclusion that so extraordinary a power should be given to an individual who is not only the prosecuting attorney but is the judge and jury himself, all in one. That alters the case very materially, and I do not think we can find anything in our criminal code at all on a parallel with that.

Hon. Mr. POWER—There is another point to which I think it well to call the attention of the House. It is contained in subsection 4 of section 18. What an inducement that offers to men to trump up charges against neighbours ! Of course the fishery officer need not be the informer, but he can always make an arrangement with somebody else who is the informer and go shares with him in the penalties. I think when the House comes to consider all the circumstances of the case, that the people who bring about the conviction are to get half the penalty, they will see that the wisest course to take is to strike out the clause altogether.

Hon. Mr. OGILVIE—I do not agree with the hon. gentleman from Halifax, but I think that those gentlemen who go out to do the fishing should make themselves acquainted with the law.

Hon. Mr. POWER—This law will apply to the comparatively poor fishermen along our shores.

Hon. Mr. OGILVIE—They are generally pretty well posted and know what is going on, and they know right from wrong and I do not see why the laws should not be carried out. A great deal of injury has been done by not having the law carried out properly.

Hon. Mr. POWER—This law would not be carried out satisfactorily.

Hon. Mr. OGILVIE—I think the law should be carried out most faithfully from beginning to end.

Hon. Mr. PRIMROSE—I do not think I should be in favour of altogether expunging subsection 7 ; if we could modify it we might make it acceptable.

Hon. Mr. ANGERS—I have prepared a modification which will perhaps meet the views of the House : It reads in this way :

When the offence under this Act consists in the catching or killing, conveying, buying, selling, or having in possession fish or any other animal, the catching, or killing, conveying, buying, selling, or having in possession fish or animal, shall be deemed an offence, and the defendant shall be liable to a penalty, where not otherwise provided, not exceeding $20 and costs.

I would strike out the words "for each fish or animal so illegally killed, conveyed, bought, sold, or had possession," so that the quantity of fish or animals caught illegally would constitute only one offence.

Hon. Mr. POWER—I may be allowed to direct the attention of the committee to the fact that that alteration is simply equivalent to striking out this subclause. The subclause provides that the killing of each one shall be a separate offence. Clause 7 gives the penalties for each offence, and this will be simply reducing the penalty in this case from $60 to $20. The better way is to strike the clause out altogether, because if hon. gentleman will turn to clause 7 they will see that every offence is provided for there.

Hon. Mr. ANGERS—This is to inflict punishment wherever there is none specially provided for by the Act.

Hon. Mr. POWER—All these subclauses we are dealing with now will be part of section 18 of the Fisheries Act and to put in this as subclause 7, with the modification that the hon. Minister suggests, would be really altering the penalty in the subsection 18.

Hon. Mr. PRIMROSE—It does away with the difficulty of making the catching and holding of each fish an offence.

Hon. Mr. POWER—Yes, but there is no necessity for it.

Hon. Mr. CLEMOW—Supposing a man buys a fish, would that be an offence?

Hon. Mr. SCOTT—Yes.

Hon. Mr. ANGERS—No, not if he buys it in good faith; that is, if he buys it in a season when you are allowed to catch such fish; you cannot buy in good faith in the close season.

Hon. Mr. KAULBACH—Very often fish will be caught under the regulation size, or during the time prohibited. Under the law if a man had a fish in his possession at that season he would be liable to a fine whether he caught it or not. I know I have often been liable to a fine in the town where I live. During the close season for lobsters the poor fishermen will catch them after the time allowed just for domestic use, and they generally come to my house and I find them on my table, and I can't prevent it, besides I am too fond of them to be very cross about it.

Hon. Mr. ANGERS—I shall convey that information to the fishery inspector. However, I will leave that subsection out.

Hon. Mr. POWER—I think clause eight should go out.

Hon. Mr. ANGERS—Oh no, that should remain.

Hon. Mr. POWER—I may be allowed to make just one observation in connection with this matter of the propagation of fish. I do not know what the experience in other places is, but my own experience is that the money which is spent in propagating salmon for instance is almost altogether wasted. If the money spent by the Government in Nova Scotia for fish hatcheries and for distributing fry had been paid for the purpose of providing efficient fish ways in the dams in the rivers, and paying the wages of men for policing the rivers, it would be evidently better. One fish which is allowed to go and deposit her spawn in the proper place will produce more young salmon than the spawn taken from several salmon. That has been the experience in Nova Scotia. This fish hatching has been going on for a long time under both Governments, and it would be a judicious thing for the Minister of Marine and Fisheries to cause an inquiry to be made for the purpose of ascertaining whether or not it has been a success. The impression amongst those who know most about it in Nova Scotia, at any rate, is that the present system is not a judicious one.

Hon. Mr. KAULBACH—I know many rivers that had been depleted and salmon which have been brought back to their former condition by putting the fresh fry into the river. They will not go up again after they have once been shut out for any long period.

Hon. Mr. DEVER—Any river that has ever been frequented by salmon or trout, although they may be shut out for a time, if the waterways are opened again, they will go to the water that suits them. It is their nature to roam in these waters. Now, I do not think it is possible—and it is worth the Government's while to investigate the matter minutely—that these wardens or overseers can plant fish in waters which are not suited to the fish. Those who follow up the fish question will know that all over the world certain fish frequent certain waters and only certain waters. Therefore, I maintain that unless the Government is satisfied that there is something in this artificial planting of fish, it is hardly worth the expense they are going to. If certain fish had been in certain waters, and had been stopped in any way, there would be no harm in planting the spawn, but otherwise it is a waste of time and money.

Hon. Mr. PERLEY, from the committee, reported the bill with amendments, which were concurred in.

Hon. Mr. ANGERS—I will move the third reading of the bill at the next sitting of the House.

Hon. Mr. POWER—I wish to move an amendment to modify the provisions with respect to the branding of the packages of lobsters.

Hon. Mr. CLEMOW—Would it not be well to consider if those penalties are sufficient—$20 is a very small matter, and they would pay it over and over again and snap their fingers at you.

Hon. Mr. ANGERS—It is a question whether we can deal with penalties.

Hon. Mr. POWER—Oh yes, we are not imposing a burden on the taxpayers.

The motion was agreed to.

## INSPECTION OF ELECTRIC LIGHT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (118) "An Act respecting the inspection of Electric Lights."

(In the Committee.)

Hon. Mr. ANGERS—When the bill was read the second time, it was stated that it was in a new direction, that no such legislation had been had in any country in the world. I find, on the contrary, that we are exactly twelve years behind what has been done in England. On the 18th August, 1882, an Act to facilitate and regulate the supply of electricity for lighting and other purposes in Great Britain and Ireland, was passed, being chapter 56 of 45 and 46 Vic., exactly in the direction of the bill which is now submitted here.

Hon. Mr. POWER—As we go through the bill in the committee, will the Minister be able to tell us wherein the clauses differ from the English Act?

Hon. Mr. ANGERS—The English Act has a much larger scope than this bill, which is entirely limited to the supervision and inspection of meters, the inspection of electricity and the right of access for the purpose of verifying. I shall, as far as possible, state whether the provisions that we submit to the House are in the direction of the English Act. A similar bill has also been passed in the Congress. I have received the following telegram from Washington :

> Electric Bill passed both Houses and now awaits President's approval. Legislation in relation to electrical standards all complete and in order in England, France and Germany. Do not know about France, but Chicago Congress units were adopted in Germany. Germany can have electrical establishments. German Government electrical testing establishment verifies meters. The same legislation prevails in Austria.

So that we are not going to be ahead of everybody in this direction. We have already inspection of meters for gas, and it is thought wise and advisable that the companies distributing electricity for lighting purposes should also be controlled in the same way, under the authority which is given this Parliament for regulating and making laws in relation to weights and measures.

Hon. Mr. POWER—With that intimation, I am sure the hon. member from Rideau will feel that we should keep up with the procession.

Hon. Mr. CLEMOW—I am satisfied with what the Minister has stated. I was not aware of it. It appears that the bill has only passed the Congress this session. I contend this legislation is not necessary in the interests of the public. It may be in the interests of some employees and parties who desire office. I can understand that. We know the Inland Revenue Department has been very fond of initiating legislation for the purpose of creating offices. Gas had been a long time in existence in this country, and in the old country, before such an Act was passed, but we know that Governments have spent thousands and thousands of dollars in obtaining unnecessary machinery. We know there is lots of useless machinery round the building for gas. There are those required for the measurement of gas as also apparatus for electricity and storage battery which is perfectly useless, and cannot be applied in any practical way at the present time. Therefore it is well that we should wait until we find some other country proceeding in this matter. It will be an expensive operation and will require a great deal of apparatus. It is stated that the Inland Revenue Department can appoint any man they think proper without respect to qualifications or anything else.

Hon. Mr. ANGERS—No.

Hon. Mr. CLEMOW—That is certainly undesirable, and when we go into the details of this bill I shall show that some provisions are uncalled for, and it will cause a great deal of trouble and expense to the parties contracting for electricity. We want to make the thing as cheap as possible. We do not want to be troubled with any officious officers putting on expenses. There are two or three thousand meters in this city which will have to be inspected,and the consumer will have to pay the expenses because the gas fund now in operation will not do it. There must be a large deficiency which will have to be made up by the consumers at large. The country that does not require this standard of inspection should not be called upon to pay any part of these expenses, and this bill will require a great deal of amendment before it becomes law.

Hon. Mr. DRUMMOND—The objections of the hon. gentleman are not tenable. The use of electricity for lighting purposes is extending every day, and it is about the only thing that the purchaser has not the facilities of knowing anything about until he gets his quarterly bill. I do not know whether this bill will provide for the accurate measuring of that supply, but there is a necessity for the inspection of electric light just as much as there is for weights and measures.

Hon. Mr. KAULBACH—Have the public been clamouring for this law at all? Has there been any demand for it? You can measure gas all right, but electric light depends on the time you use it. It will only make a certain amount of lighting power, and those who use it and the company which supplies it, could regulate the matter between themselves very much better than we could by an Act, unless the country demands it.

Hon. Mr. ANGERS—I may say that the companies and those who have large stock in the electrical companies have not applied for this measure, but the consumers are more interested in it. I know from experience that you can have a very large bill for electric light in your house, and if you know and understand how to manage it you can have a very much smaller bill for the same number of hours. I was burning in my house lights No. 16. It cost me $15 a month—50 cents a day—and I had no extraordinary lighting, just the lights required for an ordinary family. I substituted No. 10 burners, and instead of $15 my bill, for the same time and the same number of hours, went down to $4. So that there is some advantage, undoubtedly, in having inspec tors for the benefit of consumers. It was only accidentally that I learned there was such a difference between the burners Nos. 16 and 10.

Hon. Mr. DEVER—Did you not obtain the improvement without the inspector?

Hon. Mr. ANGERS—I did, but accidentally. There are many men in town who do not know the difference in the burners.

Hon. Mr. DEVER—He must be a pretty ignorant man who does not know the difference.

Hon. Mr. ANGERS—I was going to revert to coal-oil when I was accidentally informed by a friend that if I took No. 10 lamps it would make a very great difference and I am perfectly satisfied now.

Hon. Mr. CLEMOW—But 16 would give you more light than 10. You can buy an inferior article at a lower price.

Hon. Mr. ANGERS—No. I got from No. 10 just as good a light as I got from No. 16. Two burners No. 10 will light a large room of 20 feet, and two burners No. 16 will give you no more light than is necessary to read.

Hon. Mr. DEVER—I have some little knowledge of electric light business and am interested in it a little. I am aware from experience that electrical lights cannot be given with any degree of profit by those who supply it unless they get 35 cents a light. I know they have been giving it at 15 cents and 20 cents in consequence of competition where there are two establishments for producing such lights. They have cut down the price so that they are not paying running expenses.

Hon. Mr. OGILVIE—They do not work for nothing.

Hon. Mr. DEVER—It is important to the consumer to know the quality and value of the light he gets. I do not think it is necessary there should be an inspector. He would necessarily be a competent man and a high-priced man. I know we have engines and machinery that cost thousands of dollars, and yet these inspectors never bother about gas inspection. They sit in their office and draw their salaries and do no good. Is not the cry of the country at present that we are too much governed? Instead of the Government creating more offices, I think it is their duty and the duty of the Senate to see if they can possibly stop this extravagant expenditure of public money and have no officers appointed or no offices made which are not really wanted. This Excise Department with its ramifications is not wanted at all. They are simply trying to make a display of great importance and the people know that their services are of very little value and I trust the Government will not create unnecessary offices.

On clause 3,

Hon. Mr. POWER—I would like to have a clear explanation of the exact meaning of a Watt hour and an Ampere hour ?

Hon. Mr. ANGERS—It means the burning of 17 lights during one hour.

Hon. Mr. POWER—What kind of lights ?

Hon. Mr. SCOTT—Candle lights—equal to the burning of 17 candle lights for an hour, which is equivalent one to another.

Hon. Mr. REESOR—Is one electric light equal to 17 candle lights ?

Hon. Mr. ANGERS—For an hour.

Hon. Mr. POWER—The commercial unit is to be 17 candles for an hour ?

Hon. Mr. ANGERS—Yes.

The clause was adopted.

On clause 4,

Hon. Mr. POWER—What does this clause mean ?

Hon. Mr. DRUMMOND—The electricity supplied at a pressure just as water is, and they declare what it is going to be.

Hon. Mr. POWER—Can the hon. gentleman tell me what the general pressure is ?

Hon. Mr. DRUMMOND—52 volts.

The clause was adopted.

On clause 5,

Hon. Mr. DRUMMOND—I think the variation of 4 per cent is too much.

Hon. Mr. CLEMOW—I think it is too little. The variation in this city during the day time is between 3 and 4 per cent. It is almost impossible to keep the pressure uniformly the same, even using water power as we do here. There is a saving clause in this that the companies shall not be liable for any damages and so on.

Hon. Mr. DRUMMOND—We are looking at it from two different standpoints. The hon. gentleman looks at it from supply, and I look at it from the other standpoint. I move that this be changed from 4 to 3 per cent.

Hon. Mr. ANGERS—I may say in England it is 3 per cent, and we are here giving a little more latitude and advantage to the company.

Hon. Mr. POWER—Is it not really 2 per cent more ?

Hon. Mr. ANGERS—In England it is 3 per cent.

Hon. Mr. POWER—It seems to me the companies are given 2 per cent advantage here, because there is a variation 4 above and 4 below—that is 8, and in England the variation is only 6.

Hon. Mr. CLEMOW—It should be four for each way—making eight altogether. I move in amendment that it be changed to eight.

Hon. Mr. SULLIVAN—How can any man give an intelligent vote on this when he knows nothing about it ? I suppose this bill has emanated from a department where they have investigated the matter, and I think it would be unfair for us to mutilate it.

Hon. Mr. DRUMMOND—It is mutilated now. It was first 3 per cent and it was mutilated and made 4, and I move that it be changed to 3 as it was originally and as it is in the English Act. The English people have had experience and I think the variation of 3 per cent is abundant.

Hon. Mr. ANGERS—If you make it 8 you will get no light at all.

The amendment was agreed to and the clause as amended was adopted.

Hon. Mr. OGILVIE, from the committee, reported progress and asked leave to sit again.

The Senate adjourned at six o'clock.

## SECOND SESSION.

The SPEAKER took the Chair at Eight p. m.

Prayers and routine proceedings.

### THE LATE SENATOR CHAFFERS.

Hon. Mr. ANGERS—It is with deep regret that I have to announce the death of another member of this House, one who has been with us since Confederation. The late Mr. Chaffers was born in Quebec in 1830,

and sat in the Legislative Assembly of old Canada in 1856. He represented Rougemont in the Legislative Council of Canada from 1864 until the union, when he was called to the Senate. He was personally an exceedingly popular man, very courteous and kindly in his manner and upright in his dealings with all. It is with very great regret that we lose his company and assistance here, and if it can be any consolation to his family I can assure them that we share their grief.

Hon. Mr. SCOTT—I am quite sure that every member in this Chamber has heard with very great regret to-day of the death of our poor friend, although it must have been anticipated by most of us. In the weakly condition that he was in during the few days he attended recently it was quite evident his days on earth were numbered. Mr. Chaffers was a man very much beloved by those who knew him intimately. He was of a kind and genial disposition. Although adhering to the party to which he belonged I do not think he ever gave offence to any one by his political or other views. He was kind and gentle with everybody, and it was with very sincere regret that we saw that he was reduced to the condition he appeared in when we met him here early in the session. I myself felt that he would be very much better at home with his relatives and friends. I do not know that it would have prolonged his life, and he seemed to enjoy meeting his old friends that he had known years before. After all it was perhaps best. I saw him on Friday last when he was leaving for the train and bade him good-by, and felt confident that I should never see him again. His chief characteristics were that he was very lovable, kind and gentle, qualities rarely exceeded in any other individual. He was always the same, never capricious or hasty with any one. He had a cheerful greeting for everybody he came in contact with. I am sure that we all regret very deeply his loss.

## THIRD READING.

Bill (100) "An Act to incorporate the French River Boom Company, Limited."—(Mr. Clemow.)

## FISHERIES ACT AMENDMENT BILL.

### THIRD READING.

Hon. Mr. ANGERS moved the third reading of Bill (145) "An Act further to amend the Fisheries Act," as amended.

Hon. Mr. POWER—I wish to call the attention of the House to the 5th subclause of clause 3 of the bill:

> Every case or package containing lobsters canned, preserved or cured in Canada shall be marked, labelled or stamped in such manner and by such person as the Minister of Marine and Fisheries from time to time directs before being removed from the factory or canning establishment where the same has been canned, preserved or cured; and such mark, label or stamp shall state that the lobsters packed in the case or package so marked, labelled or stamped, have been legally caught and packed.

It struck several members of the House, when the bill was before the committee, that this provision that the labels should state that the lobsters packed in the case had been legally caught and packed, was without precedent. It will be remembered also that there was a very considerable discussion as to the person who was to mark or brand the fish. It was made clear in the course of the discussion that, unless there was an inspector in each factory, who stood by and watched the operation of packing the lobsters, the certificate mentioned in the subclause could not be given, and the general feeling appeared to be that the proper person to brand or mark the packages was the proprietor of the factory. The amendment I am about to propose is in that direction. First, to get rid of this provision about the lobsters being packed according to law, and next to get rid of the doubts about the person by whom the stamping or branding is to be done. I move:

> That the said bill be not now read a third time, but that it be amended by striking out subsection 5 of the section (10*a*) proposed to be added to the "Fisheries Act" by the third clause of the bill, and substituting the following subsection therefor:
>
> "5. Every case or package containing lobsters canned, preserved or cured in Canada, shall, before being removed from the factory or canning establishment where such lobsters have been canned, preserved or cured, be marked, labelled or stamped with the name and the address of the proprietor of such factory or establishment and the year in which such lobsters are canned, preserved or cured, and with such other particulars as may be prescribed by Order in Council."

Hon. Mr. KAULBACH—I hope the leader of the House will accept this amendment. I do not propose to enter again into a long discussion on the subject. I am sure that giving the Governor in Council power to add anything more that may be required will be enough. I do not think it is right to ask the person who is appointed to mark

those cans to put on the case a description of what the contents in the package, and if they were caught according to law, which he cannot possibly do, because the man employed for that purpose cannot say that they are legally caught, as he does not catch them nor does he see them caught. If he says so he is writing down what he cannot possibly know anything about, and is making statements in writing which may or may not be true. It is demoralizing to ask an officer appointed by the Government to state what he cannot truthfully say and what is virtually a falsehood.

Hon. Mr. ANGERS—This clause varies in language but it includes the most important enactment of the clause as submitted to the House. It virtually only removes the obligation of stating that the lobsters are canned and packed and have been legally caught. I may say to this House that this bill has been in great part suggested by the owners of canneries themselves. It is their wish and desire that such a valuable fish be not destroyed and that restrictions be made as stringent as possible to prevent fishermen and packers from packing fish illegally caught. In practice, I may say that the owners of factories are the persons who supply the fishermen with traps, boats and other appliances for carrying on this business. As a rule it is so, but if the House is of opinion that the inspector should not be required to certify that the fish contained in the packages had been legally caught, I am willing to accept the amendment proposed. What is new in it has been already covered by the fact that the Minister of Marine could prescribe in what way the stamp should be put on and what it should state. It is in this clause giving power to the Governor in Council. Referring it to the Governor in Council is not quite so expedient, but if it meets with the more ready approval of the House, I have no objection to accept the amendment and to remove the obligation of certifying that the fish have been legally caught. On behalf of the Government I accept the amendment as proposed.

The amendment was agreed to.

Hon. Mr. POWER moved that the bill be not now read the third time, but that it be amended by striking out clause 8.

Hon. Mr. ANGERS—I cannot accept that amendment.

The amendment was declared lost on a division.

The bill as amended was then read the third time and passed.

## INSPECTION OF ELECTRIC LIGHT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (118) "An Act respecting the inspection of electric lights."

(In the Committee.)

On clause 4,

Hon. Mr. DRUMMOND—It appears to me that subclause 3 of clause 4 is a little too wide, but not being a lawyer I do not see how to overcome the difficulty. I think the clause is wide enough to relieve the contractor from the consequences of any variation of pressure. Unless the House sees its way to suggest some improvement on that, I must confess I cannot.

Hon. Mr. ANGERS—What I understand by this clause is that the consumer would have no claim in case of a variation of pressure caused by unavoidable accidents to the generating plant or uncontrollable conditions of the element. A house is fitted up with gas, say, and through accident the gas house is blown up—would the consumer at the time have a claim for damages against the company because that night they could have no gas ?

Hon. Mr. DRUMMOND—No, not for loss of light caused by those circumstances. If you put in the word for the cessation of supply due to those circumstances, I can see the reasonableness of it, but the variation of pressure, no.

Hon. Mr. ANGERS—It includes the less. It says they will not be responsible for a variation of pressure caused by unavoidable accident to the plant or by uncontrollable conditions of the elements—that is, a thunder storm or something of the kind. This does not mean that the company would not be responsible for damages caused by their plant or wires, but that they shall not be liable for damages for not furnishing light under the circumstances mentioned. What the consumer is to do under those circumstances is to abandon the use of electric

light, and that would be a very great punishment to the company.

Hon. Mr. LOUGHEED—Why should this clause be inserted here at all? I submit that it is declaratory of the common law. Why should this provision be here when we find an absence of such provisions in other bills, such as railway bills, &c.?

Hon. Mr. ANGERS—Electricity, so far, is very uncontrollable and unseizable; that is why they put it there. It is a very capricious element and perhaps the clause is necessary in consequence. I do not see that it would hurt the bill to take it out or leave it in.

The clause was adopted.

On clause 7,

Hon. Mr. ANGERS—The object of this clause is to protect the consumer. If such a connection existed with the earth the meter would be registering more electricity than was used by the consumer and it is to provide for such a case.

Hon. Mr. POWER—This clause apparently inflicts a penalty on the consumer for not having sufficient resistance on his premises.

Hon. Mr. DRUMMOND—This is in the interest of the consumer, because if the supply were not discontinued the meter would be registering electricity against him which he did not use at all.

Hon. Mr. POWER—The explanation is satisfactory.

The clause was adopted.

On clause 12,

Hon. Mr. CLEMOW—I think there should be a qualified examination of these men before they are appointed.

Hon. Mr. ANGERS—It is the intention to have a qualifying examination before they are allowed to act. We might insert in the second line after the word "may" the words "after qualifying examination."

Hon. Mr. POWER—There is an examination known as the qualifying examination in the Civil Service and to prevent this examination being confounded with the Civil Service examination, I would suggest an alteration in the words and make it read "after an examination as to their qualifications."

Hon. Mr. ANGERS—I have no objection to those words.

The clause as amended was adopted.

On clause 15,

Hon. Mr. DRUMMOND—I would suggest that there should be added to this clause the words "unless objected to by the purchaser."

Hon. Mr. ANGERS—I have no objection to the words. This is not made obligatory. There are companies which furnish electric lights for a given price per light per year, in which case no meter is wanted. Wherever a meter is required by the consumer, if the company does not wish to give light at so much per year per lamp, it may use the meter. In future it will have to procure the best kind of meter, I suppose, which is mentioned there. Until then other meters may be used at the option of the purchaser.

Hon. Mr. DRUMMOND—Then I would move to insert in line 35 the words "unless objected to by the purchaser."

The clause as amended was adopted.

On clause 16,

Hon. Mr. LOUGHEED—This bill appears to deal with the consumption of electricity according to the amount of electricity used irrespective of time. I should like to know for information how this bill will be applicable to cases where there are contracts?

Hon. Mr. KAULBACH—I suppose those under a contract will not be bound by the bill at all.

Hon. Mr. ANGERS—It is not measured by the hour, but according to the consumption, the meter registers the accumulated amount of electricity used. The meter will move according to consumption, and in one hour will register the accumulated quantity of four hours according to the number of lamps.

Hon. Mr. LOUGHEED—Yes, but most of the contracts that have been entered into under the meter system, as I understand it, are entered into in this way, for the supply of say 16-candle power lamps at the rate of so much per hour, say a cent per hour—I

think that is the current rate in the city of Ottawa, less the discount.

Hon. Mr. POWER—How can you have a meter under these circumstances?

Hon. Mr. LOUGHEED—The meter registers the time.

Hon. Mr. DRUMMOND—No, they register the amount of electricity passed through and they estimate it at so much. For example, suppose the meter registered a certain amount equal to 72, then 64 would indicate four hours of a 16-candle power lamp. It is really the quantity indicated by the meter and not the time.

The clause was adopted.

On clause 19,

Hon. Mr. LOUGHEED—Is there a provision here whereby a meter may be verified within that length of time, provided the purchaser or the contractor may be of opinion that that is not a correct meter, that it is inaccurate in its measurements?

Hon. Mr. CLEMOW—Oh, yes.

Hon. Mr. LOUGHEED—I see no clause for the reinspection of a meter within that time, and I think there should be a clause of that character.

Hon. Mr. DRUMMOND—The purchaser should have the right to call for reinspection and reverification of the meter at his own expense at any time.

Hon. Mr. ANGERS—I have no objection to that. I will move that the following words be added to this clause:

But the purchaser or the contractor may at any time at the cost of the party in fault require verification of the meter used by him.

The clause as amended was adopted.

On clause 3,

Hon. Mr. DRUMMOND—The basis of the whole matter is the pressure of electricity supplied, which we settled in clause 4. We have nowhere provided for the testing of that very essential and fundamental fact. I move that the following be added as a subclause to clause 23:

The purchaser may at any time, on payment of a fee to be fixed by the Governor in Council, call on an inspector to test the pressure of the electricity supplied by the contractor and to furnish a certificate thereof.

Hon. Mr. SULLIVAN—Will not the meter measure the pressure?

Hon. Mr. DRUMMOND—No, it measures the quantity, not the pressure.

Hon. Mr. LOUGHEED—The difficulty of that amendment lies in this point—at the time the demand is made for the test of the pressure it is an easy matter for the contractor to put on additional pressure to answer the contract.

Hon. Mr. DRUMMOND—He will not know. I can call on the inspector at any time to test the pressure.

Hon. Mr. LOUGHEED—I think it should be provided that it should be without notice to the contractor. The inspector may say "I require the contractor here."

The amendment was adopted and the clause as amended was agreed to.

On clause 37,

Hon. Mr. CLEMOW—This is altogether too vague. I want that to be defined by Act of Parliament. I do not want to leave it in the hands of the Government. I want to know how to arrive at a satisfactory basis of inspection. For instance, the electric standard for illuminating purposes, as far as the arc light is concerned is very indefinite and little known at present. Parties supplying this ought to know what the intention is with regard to inspection in the future. It should not be left to the Governor in Council but should be defined by Act of Parliament.

Hon. Mr. DRUMMOND—The hon. gentleman is well aware what the test of the standard candle is. The standard is the same all over the world. It may be true that an electric lamp which is stamped as 16-candle power may be only half or less than half that amount. Very likely it is, but that would be well known to the Governor in Council, and the fixing of the amount would not interfere with the commercial manufacture of those lamps.

Hon. Mr. CLEMOW—I referred specially to arc lights of 2,000 candle power.

Hon. Mr. SULLIVAN—I think that the Governor in Council can establish any standard they like.

Hon. Mr. POWER—This simply provides that the Governor in Council shall, after due consideration, make such regulations as they think best for the purpose of testing the electric light lamps and finding out how great their illuminating power is—how many candle power a lamp has, for instance. I do not see how you can make it much more definite. The Government may establish rules and regulations which of course would not be inconsistent with this Act. Beyond that we cannot go.

Hon. Mr. LOUGHEED—Does the hon. gentleman from Rideau Division submit to the House that there is more than one standard for the measurement?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. LOUGHEED—In the United Kingdom there is only one system of measurement.

Hon. Mr. CLEMOW—Tell me how you are going to measure a 2,000 candle arc lamp?

Hon. Mr. DRUMMOND—In other words, the electric light companies exaggerate matters greatly. They tell you they give you 200 candle power, and they really give you 150 candle power.

The clause was adopted.

Hon. Mr. OGILVIE, from the committee, reported the bill with amendments, which were concurred in.

## CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (136) "An Act further to amend the Criminal Code, 1892."

(In the Committee.)

On the schedule,

Hon. Mr. POWER—It seems to me that the offences referred to in section 549 of the Code are as a rule offences committed in a city and are to be tried before a stipendiary magistrate who has the power of two justices of the peace. The amendment proposed is as follows:—

By adding the following section after section 549:—

"549*a*. Any person who is charged before two justices of the peace with any offence under section five hundred and twenty-three or section five hundred and twenty-five may, on appearing before the justice, declare that he objects to being tried by them; and thereupon such justices shall not proceed with the trial, but shall deal with the case in all respects as they would upon a charge made before them of an indictable offence, and the accused may be prosecuted on indictment accordingly."

This provides that these offences, which peculiarly require to be dealt with promptly and summarily, shall not be dealt with by a stipendiary magistrate or two justices, but by the much slower process of indictment before a grand jury, so that in cases of this sort, which I think in a special manner call for prompt treatment, you may have to wait for months before one of the offenders can be convicted. It must strike the House that this is a move in the wrong direction. The law as it stands is much better than the law as it will be when this amendment is made. In dealing with offences of the character described in sections 523 and 525, one of the great desiderata is that the punishment shall be prompt, so as to impress those who are perhaps then either working in concert with the offenders or sympathising with them; but if you have to wait until the grand jury meet to find an indictment and wait possibly for months before justice is done to the offenders, then mischief is likely to supervene. The House will make a great mistake if they pass this particular clause in the form in which it is.

Hon. Mr. ANGERS—I am glad to see the hon. gentleman from Halifax is coming round. We are not dealing here with fishermen, but ordinary rioters in a city. Of course if it had been to prevent any one from selling lobsters or fish, he would have found the law in the direction that is now proposed acceptable and satisfactory. This amendment proposes to make it more lenient than it is, but I must admit that he has given very strong reasons why the matter should be deferred. We have such occasions before our eyes every day. When we read what has lately taken place in Chicago, perhaps the amendment might be deferred, and if the hon. gentleman moves to strike it out I cannot offer any opposition to it.

Hon. Mr. POWER—I move to strike out that amendment 549*a*.

Hon. Mr. LOUGHEED—The hon. gentleman defers the consideration of the amendment, I understand.

Hon. Mr. POWER—No, it is to be struck out.

Hon. Mr. LOUGHEED—I think it is entitled to more consideration than striking it out. I do not see the matter in the same light that my hon. friend views it. I think he is defeating the very object that he is seeking to attain. These two sections deal with a very complicated class of crime which two justices of the peace, who may not be familiar with very important cases, may not be equal to trying. And the same thing applies to a stipendiary magistrate who, in many cases, is not a lawyer, and may not be able to deal with them, and furthermore, this class of cases may be of such a very important character as to demand greater punishment than two justices of the peace or a stipendiary magistrate may mete out to the offender. We know under the Criminal Code, they are limited in the punishment they can administer, but the cases may be sufficiently serious to be sent to a higher court.

Hon. Mr. ANGERS—The amendment proposes to give the option to the accused of going before a jury. Perhaps, accepting the views of the hon. gentleman from Halifax, it is better that an offender should not have the satisfaction of going before a jury and delaying the case three months.

Hon. Mr. LOUGHEED—If the accused chooses to exercise the right of election, which he has, he incurs at the same time the additional risk which may follow, of going to a superior court.

Hon. Mr. POWER—My hon. friend says that a higher penalty might be inflicted if the accused were to go before the judge and jury, but the penalty is the same. It cannot be more than $100, or three months' imprisonment, and I think in the interests of society we had better leave that as it is.

Hon. Mr. ANGERS—Yes.

The amendment was agreed to.

On section 662,

Hon. Mr. POWER—I understand the grand jury panel in Ontario have been reduced to thirteen by a bill passed at the last session of the local legislature.

Hon. Mr. McKINDSEY—I am not aware of that, I think it is twenty-four in Ontario now.

Hon. Mr. ANGERS—I do not know as to that. Supposing there are only thirteen of them, why should you have the concurrence of twelve of them to find a true bill? I think a majority of those sitting, seven, should have the right to return a true bill.

Hon. Mr. OGILVIE—So do I.

Hon. Mr. ANGERS—The law says you shall have a majority, but in our province we only put twenty-three on the grand jury and twelve are required to return a true bill.

Hon. Mr. LOUGHEED—Has the Government given up the idea of abolishing the grand jury? I understand the Government made inquiries with respect to the wisdom of abolishing it?

Hon. Mr. ANGERS—The intention of the Government has not been drawn to it lately. I do not know what the intention of the Government is. I am decidedly opposed to the doing away with the grand jury. It should be preserved, although it increases the cost of the administration of justice.

Hon. Mr. LOUGHEED—If my hon. friend is so strong in his conviction of the protection the grand jury affords to the subject, perhaps the Government would consider the advisability of extending it to the North-west Territories where we have not that protection.

Hon. Mr. ANGERS—I do not think they have applied for it. I think they want no protection at all, they have the law in their own hands.

Hon. Mr. McKINDSEY—I wish to say a few words against the reduction of the grand jury from twelve to seven.

Hon. Mr. ANGERS—This does not provide for that.

Hon. Mr. McKINDSEY—Twelve has been necessary to find a true bill heretofore; now it is proposed to make it seven. In Ontario they had a system of drafting jurors

where they had a half jury, two-thirds jury and a full jury panel. The half jury would be eighteen and the two-thirds jury twenty-four and the full jury forty-eight. I do not know any place where they selected a half jury, simply for this reason, the judges of the Superior Court, when they issued their precepts to the sheriff to summon the jury, invariably ordered him to summon twenty-four, irrespective of what the quarter sessions may have selected. In my opinion, the way this clause is drawn will conflict with the proceedings of the Local Parliament. The Local Parliament has the control and conduct of the jury system entirely, and in the jury system there is a provision made as to what number of grand jurors they shall select. Well, if they chose to select eighteen and the superior court judges would issue a precept for twenty-four, the sheriff could not return the panel of eighteen without being guilty of a contempt of court and where is he to get them? I am opposed to reducing the number. I think thirteen is too small a panel. The jury system in the country is an education to the people. The farmers come from all parts of the country to the county town and stay there two or three days to listen to the criminal and civil suits, and they go home with a very great respect for the laws of the country and became law-abiding people. They tell it to their neighbours and they bring up their children in awe and respect for that which they had seen in the law courts of the county in which they live. Some people oppose the panel of twenty-four jurors on account of the expense, but it is simply a matter of taking a dollar out of the pockets of the people and paying it back again. As far as the expense is concerned, I do not think there is anything in that argument. The money is taken from the people direct and paid back again. We had better leave the jury system as it has been for generations. The more we tamper with the administration of justice and the affairs connected with it the more we weaken that institution. We are undermining it all the time. Our people in this country claim that they are the most law-abiding people in the world. I do not know of any country where they are so law-abiding; and if the people know the law and abide by it, why not leave it alone. I do not believe in tampering with the administration of justice. It is better to have a law which is not perfect, if the people understand it thoroughly and abide by it, than to have a very perfect law which the people do not know anything at all about. I object to the changing of these laws from time to time—these laws that have stood the test of time and of which we are all proud. It is only a couple of years ago that we passed a law in this House, which I opposed, allowing a criminal to go into the box and give evidence on his own behalf. The compellable part of it was struck out, but as far as I can learn, from the operation of that provision in the courts of law, it has been a complete failure. A man who will commit a crime is allowed the opportunity of going into the box and swearing he did not do it, and he is certain to take advantage of that. I stated that that was my opinion on that occasion and I have inquired in several quarters what the result was and I am told that that is the fact. We had better leave this law as it is, and I move that this clause be struck out.

Hon. Mr. KAULBACH—We do not attempt to interfere with the panels of the grand jury. The panels are arranged in the different provinces by legislation and we have nothing to do with it. As regards the question whether we should have a grand jury or not, that subject is not before us now. What we are proposing now is that when the panel shall not be more than thirteen, that seven shall be sufficient to find a true bill. I think that is a proper provision that there should be a majority of those empanelled and sworn. We require twelve to make a *prima facie* case. We are not now interfering with the grand jury system. It is a question which the public mind is not satisfied upon. Even the judges of different provinces differ very much on this question, some being strongly in favour of doing away with grand juries and others strongly sustaining them. I believe the Minister of Justice is decidedly in favour of maintaining the system. If the panel is thirteen, seven is a fair proportion to bring in a bill, but supposing the number of grand jurymen sworn be fourteen, under this enactment twelve would yet be required to present a true bill.

Hon. Mr. McKINDSEY—I do not think there is in any of the provinces a panel of

thirteen. It would be absurd to have a panel of thirteen jurors for a court of assize and require the concurrence to bring in a bill, because there is no means of filling up the panel as far as I know I do not think there is in any of the provinces that sized panel. The difficulty I feel in this matter is that if the clause is passed, you will find all the provinces which have the right to name how many will be selected, will adopt the number mentioned in this bill, thirteen.

Hon. Mr. POWER—That will be no great harm.

Hon. Mr. McKINDSEY—The selectors have to pass a resolution on the first day they meet to select jurors, and they say how many will be selected for the County Court and Quarter Session and for the Superior Court. As soon as this passes they will all adopt thirteen, and that will destroy the principle which has existed heretofore. This gives them authority as far as this Parliament can.

Hon. Mr. ANGERS—It lies now with the province to determine the qualification of the grand jurors, and I believe also the number of them. It is within the jurisdiction of this Parliament only to regulate what shall be the practice in criminal cases, and it is a portion of the practice in such cases to say how many jurors will return a verdict. There must be some sufficient reason here for speaking of a panel of 13. I have not that information now, and I would ask the House to pass the clause and I will give information to-morrow at the third reading. If the reason should not be considered sufficient by the House, the clause can be amended before the third reading.

Hon. Mr. McKINDSEY—Perhaps you would inquire also about the authority of the judges?

Hon. Mr. ANGERS—The judges have the limit of their authority fixed by the Local Legislature.

Hon. Mr. McKINDSEY—Not the Superior Court judges.

Hon. Mr. ANGERS—Yes, the Superior Court judges in reference to the qualification and number of the grand jurors, and they have to limit their authority, in the matter of practice, to the law that we give them.

Hon. Mr. KAULBACH—They only administer the law.

The clause was adopted.

On the amendment to section 871,

Hon. Mr. LOUGHEED inquired why the constable's fee for making an arrest was increased from $1 to $1.50.

Hon. Mr. ANGERS said he thought $1.50 was reasonable enough.

Hon. Mr. POWER thought $1 was enough for the arrest of one individual.

Hon. Mr. ANGERS said he would explain at the third reading the reason for the increase.

The clause was adopted.

Hon. Mr. BOULTON, from the committee, reported the bill with an amendment which was concurred in.

The Senate then adjourned.

---

## THE SENATE.

*Ottawa, Tuesday, 17th July, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READING.

Bill (113) "An Act respecting the inspection of electric light," as amended.—(Mr. Bowell.)

## CRIMINAL CODE AMENDMENT BILL.

### THIRD READING.

Hon. Mr. ANGERS moved the third reading of Bill (126) "An Act to further amend the Criminal Code of 1892," as amended. He said: I stated yesterday that I would give some information in relation to two clauses as to the number of jurors who can

return a true bill in the case of the panel stating only thirteen jurors.

This amendment was introduced in the House below by Mr. Edgar. In Nova Scotia the whole panel is twenty-four, but sometimes the panel—that is the number of jurors acting—may be only thirteen, and it is to provide what proportion of those thirteen may bring in a true bill. In Ontario the same thing exists. In Nova Scotia the quorum of the jury is thirteen and in Ontario the quorum as constituted now is twelve ; although they summon the full panel the quorum is twelve. It is to allow that quorum of twelve to return a true bill by seven of them agreeing. The other point refers to the fee of $1.50 for constables. Previous to the Code, the fee was $1.50. When the Code was enacted it was reduced to $1. Representations have been made since, accompanied by letters from magistrates and judges that the fee was not sufficient, and that it should be restored to what it was previously, $1.50.

Hon. Mr. McKINDSEY—Does the hon. gentleman say that the object of reducing this panel to thirteen, the majority to bring in a true bill, is because they could not get twelve out of a panel of twenty-four ?

Hon. Mr. ANGERS—Oh no.

Hon. Mr. McKINDSEY—That appears to be the line of argument the hon. gentleman has taken.

Hon. Mr. ANGERS—It is because the quorum is thirteen; thirteen may sit and seven of them bring in a true bill.

Hon. Mr. McKINDSEY—Is that the law in Ontario ?

Hon. Mr. ANGERS—Yes, the quorum is reduced to thirteen.

Hon. Mr. McKINDSEY—I understand the local Government had no right to say in criminal matters what the quorum may be.

Hon. Mr. ANGERS—Oh no.

Hon. Mr. McKINDSEY—If, as a fact, you cannot get twelve persons to agree upon bringing in a bill if the panel is twenty-four I think the chances are that having reduced it to thirteen the result will be worse. At all events I am decidedly opposed to any change in the existing law with respect to juries. We had better leave these laws alone—these laws which have stood the test of time. I ought to test the House on that question, I feel so strongly upon it. I may also state that in looking over the bill last night I discovered another clause stricken out, which I think is a most important one, and which I think should be imported into the bill yet. That is where two magistrates constitute a bench and the party has the right to say he will be tried before these two persons. I was proposing to test the House on the question about the juries first.

Hon. Mr. KAULBACH—As regards the equity, where there are thirteen jurors sworn requiring seven to render a true bill, my hon. friend will see that if there are fourteen it will require twelve to bring in a true bill and I do not think that is reasonable or right. I think this matter requires more consideration than we have given it when we find such an inconsistency as that.

Hon. Mr. CLEMOW—Supposing twenty grand jurors are sworn, how many does it require to return a true bill ?

Hon. Mr. KAULBACH—Twelve.

Hon. Mr. ANGERS—They have reduced the quorum to thirteen in Ontario and twelve in Nova Scotia.

Hon. Mr. POWER—It seems to me we had better allow this provision to remain as it is. In the interest of justice in Ontario and Nova Scotia for reasons that have seemed good to the legislatures of those provinces, the quorum of the grand jury is fixed at thirteen and the question is whether you shall require twelve of that thirteen to return a bill.

Hon. Mr. McKINDSEY—Not the quorum but the panel.

Hon. Mr. POWER—It is the panel too that constitutes the quorum. The question is whether the majority of the grand jurors shall be allowed to find a true bill or not, and I think there should be no question at all about that. Look at the position. As a rule, when a man is accused of any offence against the Criminal Code he is brought before a magistrate. The magistrate has to

find sufficient ground for committing him; then he is committed and goes before the grand jury, and the grand jury by a majority have to find a true bill, and our experiences in the lower provinces is that the grand juries are not as a rule too anxious to find a true bill, and if they find a true bill it simply puts the man on his trial before a jury of twelve, who have to be unanimous. To say that you shall have more than a majority of the panel to find a true bill is handicapping justice too much altogether. I know the hon. gentleman is exceedingly conservative in his ideas, but if the provinces of Nova Scotia and Ontario have thought fit, so far as they are concerned, to accept twelve and thirteen jurors as a quorum, I do not know why we should get excited about it here. We should not interfere with that. We do not make the change.

Hon. Mr. KAULBACH—The panel must be thirteen at least. I should prefer to have the law that no matter how many were sworn, the majority could find a bill. At present if there are fourteen, twelve must agree, and if there are thirteen, seven is sufficient.

Hon. Mr. ANGERS—When there are thirteen sitting on a special case there must be seven to return a bill. If there are fourteen, you will have to get twelve to concur in a true bill. That is the common law and you fall into the common law.

Hon. Mr. McKINDSEY—I cannot understand how you are going to make it uniform. The panel as originally selected by the county officer must state a certain number. The number heretofore has been twenty-four and at least twelve out of whatever number may appear can bring in a true bill or no bill. If we reduce the panel to thirteen, it requires seven to find a true bill, and if the panel is fourteen, twelve must agree. The panel must be fourteen.

Hon. Mr. ANGERS—No, no; the hon. gentleman is confused as to the general panel. The hon. gentleman will recollect from the long experience he has had that grand juries do not always sit in every case, and they are not required to be present as rigorously as the petit jury, and although there are twenty-four summoned, only eighteen may sit on one case. The next day there may be twenty-two or twenty-three, or some days it may be reduced, according to circumstances, as low as thirteen, and in that case seven is sufficient to bring in a verdict. Now in Ontario, twelve may sit in a special case, although the panel has remained twenty-four, but the others may be away and may not wish to sit in that case, and the only change is that in such an event seven is sufficient to return a true bill.

Hon. Mr. KAULBACH—Why not make it a majority? The panel must be 13 and let the majority return a true bill.

Hon. Mr. POIRIER—Supposing twenty are present, would it require twelve as before?

Hon. Mr. ANGERS—Yes.

Hon. Mr. POIRIER—If there are fourteen there requires to be twelve the same as before?

Hon. Mr. ANGERS—Yes.

Hon. Mr. POIRIER—It is a great falling off.

Hon. Mr. POWER—As a matter of practice, the jurors consist of twelve and thirteen. This is the lowest number that can form a quorum.

Hon. Mr. ANGERS—This was done to reduce the expenses of the grand jury, and that is altogether under the control of the Local Legislature. They pay for the cost of the administration of justice. It is not a burden upon the Dominion and I think when they take steps to lessen the cost of the administration of justice, we should not impede them or interfere with or embarrass them in any way. We should meet the case in the way the amendment proposes.

Hon. Mr. KAULBACH—Do you embarrass them at all by making it the majority?

Hon. Mr. McKINDSEY—With reference to the expense connected with it, that is a matter entirely with the county. They assess the people for the fees and pay it back again to the people. I would like to ask the hon. gentleman whether these people have asked in any way at all, directly or indirectly, for this change on account of the expenditure? If they have, I would be very glad to accept the amendment.

Hon. Mr. ANGERS—The change has been made by the local authorities.

Hon. Mr. McKINDSEY—But not by the counties. They have not been forced to do it.

Hon. Mr. ANGERS—They represent the counties. The way the clause is drawn today you will find the panels will not be twenty-four nor eighteen as they were formerly, but simply thirteen and the difficulty be to get a grand jury at all. You will find the superior court judges when issuing their precepts will invariably command the sheriff to summon twenty-four grand jurors of that court and forty-eight petit jurors no matter what the selectors may choose to name as the number, and in that case if you bring it down to eighteen then in every county in Ontario, and probably Nova Scotia as well, you will find the sheriff in the position that he will have in some way to fill up the commands of the precept; otherwise he would be liable to punishment for contempt of court. If you only summon thirteen you will often find that you will not have seven to bring in a bill.

Hon. Mr. DEVER—I understand each sheriff is responsible to the Local Government and not to us.

Hon. Mr. McKINDSEY—Yes.

Hon. Mr. DEVER—And it is to the Local Government the sheriff can refer the matter.

Hon. Mr. McKINDSEY—They have only the machinery.

Hon. Mr. DEVER—The object here is to equalize the number in the provinces. It would appear that Nova Scotia and Ontario altered their system, and consequently I hold that you or any gentleman opposed to the alteration should make your appeal to the Local Government. There is where the alteration can be made and sustained and not here, as I understand the matter.

Hon. Mr. McKINDSEY—There is a misapprehension about that. As a matter of fact this Parliament has power over the administration of justice.

The motion was agreed to and the bill was read the third time and passed.

## THE FRENCH TREATY BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (147) "An Act respecting a certain Treaty between Her Britannic Majesty and the President of the French Republic. "He said: Hon. gentlemen will recollect that years ago the Parliament of Canada, or rather some of our leading men, moved that Canada should be allowed the privilege of making its own treaties. It was stated that we had acquired such strength and such importance in the Empire, that we had been given responsible government in its widest sphere, and that it should be further crowned by the advantage of making our own treaties. The Hon. Mr. Blake in 1882, then leader of the Opposition, moved some important resolutions in that direction. They are within the knowledge of the hon. members of this House, and they are to be found in "Lord Lorne's Administration in Canada," by Collins, at page 231. It is worth while to make a study of those resolutions. They were drafted with very great care and skill. However, a constitutional question arose. The hon. leader of the Government pointed out that it was impossible for Canada to have the privilege of dealing with foreign powers except through England, that diplomatic usages and the responsibilities of treaties required that the mother country should have the responsibility, and it was only through their agency that we could hope to have the advantages offered by the resolutions. I have no doubt that these resolutions of Mr. Blake's had a very large influence upon the Government in England. In 1891 we applied to England for the advantage of making through our own representative assisted by the diplomats of England, a treaty with France, and this was conceded to us. So that England has virtually made to us the concession, in effect, although she could not make it by statute. Under those circumstances, negotiations were opened, mainly through the instrumentality of Sir Charles Tupper, with the French authorities with a view of coming to an arrangement in relation to trade upon certain articles. The treaty was made and it was signed in February, 1893, subject to the approval of the Parliament of Canada, and subject to the ratification of the French Chambers. Hon. gentlemen will bear in

mind that this treaty, although signed by the plenipotentiary of England, Lord Dufferin, is virtually made for Canada and Canada alone, that it does not affect in any way the trade relations between France and the British Isles, but only the trade between France and Canada. Last year the treaty came before the Government and Parliament. We did not press the ratification of it then. It was not that the Government hesitated or had doubts as to the great advantages that Canada would derive under this treaty, but it was mainly due to some misunderstanding which existed, rather on this side of the ocean, as to the meaning of certain words in the treaty. Questions arose as to what was meant by "fish preserved in their natural form," as to "savon de Castile" and other articles which we thought were restricted, and after information and unofficial communication with the French authorities as to the true meaning of some of the items mentioned in the treaty, it was then made very clear that it was in respect to those articles as wide and as broad as it possibly could be. I do not ignore that a certain amount of opposition outside has been raised to this treaty and upon different grounds. I wish, as briefly as possible, to run over those grounds in the hope of satisfying this House that none of them are really of any consequence. The first we met is raised by the prohibitionists, who claim that this treaty will operate as a bar against prohibition. They think that the admission of light French wine is not in the direction of temperance, and that would retard the coming into force of a prohibitory liquor law. Although an advocate of temperance I must confess that I do not think the people of the Dominion are at present ripe for the adoption of a prohibitory liquor law. If that fortunate event should occur and we should reap the benefit, which one class of our people think we would from prohibition, we must all understand that it is not a law that can fall on the people like a thunderbolt. It could be accepted only gradually and after the removal of some very serious obstacles. There are vested rights to be considered. Hundreds of thousands of dollars of capital invested in the industry would have to receive time and consideration to be invested in other industries, and as you know this treaty can be cancelled on twelve months' notice, the country would be in a position, before a prohibitory liquor law could be enacted by the Parliament of Canada, to give that notice so that it would not in any way interfere or act as a bar against prohibition. It is thought by some that the admission of light wines is not in the direction of temperance. If I may be allowed to differ from the opinions of prohibitionists, I think that the introduction of light wines is a step towards temperance and towards prohibition. Should light wines come largely into the country, is it not reasonable to believe that the use of whisky and other strong alcoholic drinks would be lessened in consequence? We have another interest in the country which, to a certain extent, has shown not a complete opposition but a semi-opposition to the French treaty. I refer to the grape growers and wine manufacturers of Canada. They think that the light French wines will be sold in competition with their own. Those wines are so very different that when one has acquired a taste for native wine he would not at the same time have a taste for French wine, and there is no doubt that a man who has a taste for French wine could not, in a very short time, acquire a taste for native wine. Your constitution has to be prepared for it, and if you take the native wine, you must be on your guard against a headache the next day. It is not everybody who is prepared to do that, while if you drink the genuine French wine it will only make you more fit for work on the Monday morning.

Hon Mr. POWER—The hon. gentleman is very unpatriotic in running down the productions of our own country.

Hon. Mr. DEVER—He is only telling the truth.

Hon. Mr. ANGERS—I do not wish to run down the products of the country at all. On the contrary, what wine I drink is native wine.

Hon. Mr. POWER—You risk the headache.

Hon. Mr. ANGERS—I am prepared against that. I said it was not every constitution that was prepared for the absorption of the Canadian wine and I do not wish to run it down at all. I think some brands of it are very good. I use them myself and

have often recommended them, but the main objection to them is that the reduction of 30 per cent upon the ad valorem duty will leave them without a fair protection. I am quite convinced that the prohibitionists cannot oppose the treaty on that ground at any rate, since, if they are sincere in their wish to promote temperance and think that the drinking of light wine is not in the direction of temperance, they cannot come before us here and vote against the treaty on the same ground that the wine manufacturers would. I am in a position to say that after removing the ad valorem duty a large protection will still remain in favour of the native wine, a protection of 25 cents a gallon, which in most cases is equal to 40 and 50 per cent. I am informed that at wholesale you can buy very good native wine at 50 to 60 cents a gallon, so that you have an enormous protection even after removing the ad valorem duty. These gentlemen have presented to the Government a petition expressing their views in relation to this French treaty and their fears as to the competition that the French wine might raise to their own industry. But what is it they ask—that the French treaty should be rejected? No; they say that they fear the consequences of the French treaty, but their petition is alternative. They say "give us some little advantage on the alcohol that we use for the manufacture of our wines and it will be all right." In point of fact that is the prayer of the petition, a little reduction upon alcohol and, with that, they say they do not fear the competition of French wines.

Hon. Mr. SULLIVAN—What is the difference in the percentage of alcohol between the two wines?

Hon. Mr. ANGERS—I do not know what percentage is in the native wine, but under the treaty with France it must not exceed 26 per cent, if it is to have the advantage of the treaty.

Hon. Mr. MACMILLAN—Our wines contain about 8 per cent.

Hon. Mr. ANGERS—So you see that this reduction of alcohol which is the main prayer of the petition of the wine producers, is but a small request.

Hon. Mr. LOUGHEED—Do the government propose to reduce the tax on alcohol used for the purpose of fortifying native wines?

Hon. Mr. ANGERS—I am not in a position to give the hon. gentleman an answer to that question. It is a question of financial policy which could only be decided after conference with the Minister of Finance and a decision of Council. I am sorry I have not the information for the hon. gentleman, but I point out how little it is, and the smaller the income derived from it the easier it will be to remove it—that is the argument I submit to the House. There is another matter which we must consider about that ad valorem duty. It is well to recollect the circumstances under which it was imposed. It was not for revenue purposes, nor was it for the purpose of granting the wine manufacturers in Canada a protection. It was imposed in 1878 or 1879 as a lever to be used to get concessions from France. It was imposed for the purpose of enabling us to tell France that if they would allow our Canada built ships to enter their register at 2 francs a ton instead of $8 a ton, we would remove that ad valorem duty. Since then the interest that we had in ship-building and in the introduction of our ships into the French market has disappeared. We build fewer ships and I may say that over the world there has been a complete revolution in ship-building. Wooden ships are hardly used at all—sailing vessels are hardly used. We have come to iron vessels run by steam, and we build none of those. The ship-building interest mostly centred in the Maritime Provinces having disappeared, we have used the benefit accruing to France from the removal of the ad valorem duty on wines to secure greater and wider advantages, not only for the Maritime Provinces, but for all Canada. The removing of the ad valorem duty by the ratification of this treaty is not new. It has been on the Statute-book for years. It could at any time have been removed by Order in Council. Therefore I may say with propriety that the wine manufacturers will have no grievance when this is removed, since the intention of Parliament in putting it on the Statute-book was to use it as a lever to get concessions from France. Another argument which has been used against this treaty is that it is not advisable to lower the duty on articles of

luxury. In principle that is right enough, but we have got to consider on the other hand, whether the advantages to be derived from this treaty outweigh the advantages to be derived from adhering to the principle. Moreover, we should not lose sight of the fact that those duties were put there for the purpose of securing concessions. Another objection is that the concessions which we are making are too great compared with the advantages that we are to derive from them, that the loss of revenue is too great in proportion to the trade that we expect to secure. It is difficult to estimate what will be the loss of revenue under the treaty, because the present French tariff was adopted in 1892, and we have only one year's experience to reckon from. During that year we have not had the advantages of the treaty, so that it is impossible to determine exactly what our trade will be under the treaty. However, we must recollect this, that whatever trade we have done with France before we have done at a disadvantage.

Hon. Mr. DEVER—We could do nothing.

Hon. Mr. ANGERS—We paid the maximum duty upon everything. Our competitors in the United States dealt in the same class of breadstuffs and articles that are mentioned in this treaty—lumber, canned meats and canned fish. We went into the French market under a disadvantage, because they had the advantage of a minimum duty whilst we had to pay the maximum duty upon every article mentioned in this list. The House will see how difficult it is to make an estimate from that year's trade and to determine from it with any precision at all what advantage will be derived from this treaty in future. If you read the treaty you will see that the articles mentioned are few in number, and some people are disposed to say, Oh, but this French treaty amounts to a very little; it only covers about a dozen articles. Let me inform the House that France in those articles does a trade of $38,000,000. That is a sound basis to proceed upon, and who can say that this treaty does not involve an extensive trade when it opens to us the markets of a nation which buys $38,000,000 a year of those ten or twelve articles mentioned in the treaty? We could see the possibility of extending our trade under such circumstances. It is said also that the terms are not as favourable to Canada—that they are much more restrictive when applied to us, and that we should receive as much as we give. We should recollect that when we open our markets to France we open a market of 5,000,000 of people, and when France opens hers including Algeria, she gives us access to a consuming population of 40,000,000 of people. That should be borne in mind when we take into consideration the advantages to be derived from this treaty.

Hon. Mr. TASSÉ—France and her colonies have a larger population than 40,000,000.

Hon. Mr. ANGERS—I mean the population of 40,000,000 in France and Algeria alone. I put this 40,000,000 or more of consumers against the limited market of 5,000,000, that we open to France.

Hon. Mr. BOULTON—Can 5,000,000 of people sell more than they buy?

Hon. Mr. ANGERS—Undoubtedly they do. That is why we are getting rich, because if you bought as much as you sold receipts and expenditures would balance exactly, and we would not increase our wealth; but if we sell more than we buy we must have some money left in our pockets. There is another objection, and most people have considered it a very serious one, that we cannot take advantage of this treaty unless we have a direct line of communication with France. In principle that is true.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. ANGERS—I hope the hon. gentleman will be as quick to come round to my side in a minute when he hears me further.

Hon. Mr. McCALLUM—Give me good reason and I will.

Hon. Mr. ANGERS—I will. Unless you have a direct line, or if you break bulk between Canada and France, you are subjected to the surtaxe, which would deprive us, in a large measure, of the benefit of the treaty, but again you must refer to the articles of the treaty, and what are they composed of? Lumber of all kinds. Now how are those shipped? Is there any man that would conceive that such articles could be shipped from Canada to England and

thence to France? How is that trade done? Always by direct vessels. We have Canadian, Norwegian and French vessels coming to our ports in New Brunswick, Nova Scotia and the province of Quebec, loading deals for various parts of the world. Deals are an important item of the treaty. What is there after that? Canned meats, canned fish, dried fruits, boots and shoes. Now do you want a swift fast line of steamers to carry goods to France? Not at all, those articles fit in with the various classes of lumber, and the ship that takes lumber can take 50 or 100 tons of those other articles. Whether they reach the French market in 10 days or 20 days they have the same value—that is, they are not perishable, and therefore we have all the advantage that we would possess if a direct line existed.

Hon. Mr. POWER—As I understand it, lumber went into France free previous to 1892.

Hon. Mr. ANGERS—No.

Hon. Mr. POWER—What proportion of lumber did we send previous to 1892?

Hon. Mr. BOULTON—There was no maximum or minimum tariff before 1892.

Hon. Mr. ANGERS—No. I have the information from a practical man, the Hon. Senator Price, that lumber was not free previous to 1892. There was previous to 1892 only a high tariff, but since then there is a double scale.

Hon. Mr. POWER—I find that last year when discussing this treaty in the House of Commons, the Minister of Finance submitted a statement showing the old tariff and the new tariff, and under that old tariff building lumber, rough or sawn, is set down as being free. Of course the Minister of Finance may have been mistaken.

Hon. Mr. ANGERS—He may and I cannot be called to account for the discussion of last year when the tariff was hardly understood and the question had to be postponed for further information. I was referring to this surtaxe. Examining the treaty, I find but one article that is perishable and could not be shipped in the way I have mentioned, that is apples. With that exception, all the articles mentioned are not perishable and could be shipped in the way I have indicated in vessels which ply now between Canada and France every year during the season of navigation.

Hon. Mr. CLEMOW—What about fresh water fish?

Hon. Mr. ANGERS—Fresh water fish is not a very large article of trade in Canada. We have been charged, in relation to this direct line, with having obtained the treaty under false pretenses, that the Government had promised France, in order to get these concessions, which some hon. gentlemen think so little of and so valueless, to establish a direct line of steamships between Canada and France. No such promise ever was made. It was stated after the negotiations were completed, and the treaty was signed, that it was likely that such a thing might be accomplished, and I do not doubt that it will.

Hon. Mr. POWER—All through the negotiations.

Hon. Mr. ANGERS—They had no influence on it at all, because the treaty is there and France has a sufficient knowledge in diplomacy that they would not have taken for granted the word of any one whomsoever without having it expressed in the treaty. Has it ever happened before that any nation having a treaty, has invoked any verbal agreements outside of it? I may say that this is no ground of objection at all, because, I am informed, that in France they are desirous of having the treaty ratified, and that it was a disappointment last year that the Parliament of Canada was not in a position to do it.

Hon. Mr. POWER—Has the French Parliament ratified it?

Hon. Mr. ANGERS—No; but the hon. gentleman will understand that when Canada is transacting business with France, we hold the second place, and that we are to ratify first, and that a nation of the first order, compared to a colony, having granted in this instance an extraordinary privilege, we should make the first step.

Hon. Mr. TASSÉ—Was any condition to that effect put in the treaty?

Hon. Mr. ANGERS—Of ratification, do you mean?

Hon. Mr. TASSÉ—I refer to the line of steamers.

Hon. Mr. ANGERS—No; not a word of it; but there were correspondence and conversations to the effect that it would likely exist, and I have no doubt that it will, if I foresee rightly the immense trade which we will do in the future under this treaty.

Hon. Mr. TASSÉ—Hear, hear.

Hon. Mr. ANGERS—There will be communication by steam. Under the old treaty and when other nations had advantages over us we had direct lines of steamers between Montreal and Havre and between Montreal and Rouen. I myself visited vessels in Montreal last year that had come to Montreal and were going direct to France, and we granted a subsidy before to a line of steamships that sailed from Antwerp to Canada and called at a French port on the return trip before going to Belgium.

Hon. Mr. POIRIER—Is not that line still in existence?

Hon. Mr. ANGERS—Yes, but not subsidized by Canada; of course it is in existence. There is such a trade between Canada and Belgium that they can afford a line of steamers, but we do not subsidize that line at present. A vessel from Antwerp loading in Montreal, with a mixed or general cargo,or a portion of it for France would avoid the surtaxe, provided she broke bulk in France before she broke bulk anywhere else. Now some excitement and a little Gulf fog has been brought over the atmosphere by the fact that the advantages of the trade at St. Pierre-Miquelon were common to all and not to us alone. The French Islands in the Gulf of St. Lawrence have been made virtually a free port, and this extends to our neighbours and competitors as well as to us. It has been said that we should have insisted that it should apply to us alone. Well, such an unreasonable pretension could not have been affirmed by men conferring for the purpose of making a treaty. The interests of France require that St. Pierre-Miquelon should be made a free port, not only for the products of Canada, but also for some products from abroad and the United States. This was done previous to the signing of the treaty, and consequently had no influence upon it at all. But what advantages have been given to others, have been given to us also. It has been contended that the minimum duties imposed in 1892 are not sufficiently low. In fact, they are in certain cases higher than those established by the general tariff previous to 1892, but that has no influence upon trade at all. What is to be looked at is the competition from abroad. I call upon business men, to state if there is any serious disadvantage to us from the fact that this minimum is still high, when we are on the same footing with Norway, Sweden and the United States.

Hon. Mr. BOULTON—There is a reduction of the purchasing power of your customers.

Hon. Mr. ANGERS—I cannot take in the objection of the hon. gentleman. I say that it does not matter whether that minimum is high or low when everybody is on the same footing.

Hon. Mr. BOULTON—The hon. gentleman asked the question, and that is why I interposed the remark.

Hon. Mr. POWER—If one can ship to England without paying any duty, he will not ship to France and pay a high duty.

Hon. Mr. ANGERS—Yes, but if you get a better price in France. We have a market in France buying $38,000,000 worth of the articles which we have for sale: that shows that they must buy them.

Hon. Mr. POIRIER—They must buy them somewhere.

Hon. Mr. ANGERS—They must buy them somewhere, and when we are put in the position of being able to sell them to them upon an equal footing with others, certainly we have bettered our position. Norway and Sweden and the United States in sending lumber into France have an advantage over us.

Hon. Mr. TASSÉ—Is not Russia on the same footing?

Hon. Mr. ANGERS—I believe Russia is and Germany also. I did not mention Germany because they are so close to France they must have some transit advantages, but

I want to deal with the question fairly and I am taking nations which are nearly as removed from France as we are. When I point to the United States it is to do full justice to the question which I submit to the House. I do not want to make a comparison which would be an unfair one. If I took Germany, for instance, it would not be fair, because Germany has some transit advantages over us, but when I go across the ocean and point out the disadvantages under which we labour, I think I am right in coming to the conclusions at which I have arrived. Now as to the extension of the treaty in the lumber business, we have fortunately here men who belong to that trade, men already engaged in it. I got information from Quebec also, from large lumbermen there, saying that they have had applications for contracts to ship to France spruce and other lumber. I have read also a letter from an hon. member of this House whom I am sorry to see absent from this House at the present, the Hon. Mr. Snowball. I have read consular reports. I have seen evidence furnished by the Hon. Mr. Chaffers in Quebec, Mr. Dobell and other leading merchants in Canada, which anticipate large—and I might say more than large—advantages to be gained by the lumber trade under the present arrangement if it is ratified. I know that in moving the second reading of this bill I am met with the opposition of an eloquent member of this House, who has made it his special duty for the past few sessions back to try to impress commercial views upon this House which are in opposition to the views of the majority of this country.

Hon. Mr. BOULTON—Why, this is a part of a free trade nation.

Hon. Mr. ANGERS—To a certain extent it is a free trade nation, as far as advantages go. I wish they would give us free trade and not exact a return. I know that in this matter I am to be met with opposition and there is on the paper of this House the following resolution :—

That when Bill (147) intituled : "An Act respecting a certain Treaty between Her Britannic Majesty and the President of the French Republic," is before the Senate for a second reading, he will move in amendment that the said bill be not now read a second time, but that the said Treaty be returned to the Imperial Government, with a request that negotiations may be reopened with a view of placing the trade relations between France and Canada upon a more equitable and extended basis than is afforded by the treaty.

Now that is the objection that I am met with, and I say to the prohibitionists, can they vote in favour of that resolution? Can they vote in favour of a resolution which says "Send the treaty back to France so that we may get a wider one."

Hon. Mr. McCALLUM—France raises something else besides wine, does she not?

Hon. Mr. ANGERS—Yes.

Hon. Mr. McCALLUM—Wine does not comprise all the products of France.

Hon. Mr. ANGERS—Certainly not, but if we get more advantages from France, perhaps instead of meeting opposition from the wine manufacturers of Canada, there would be greater opposition, especially if they refer to articles which we can manufacture ourselves.

Hon. Mr. DESJARDINS—I would ask the hon. gentleman if the Government here is not free to admit, on a lower scale, any of the other goods from France?

Hon. Mr. ANGERS—Certainly.

Hon. Mr. DESJARDINS—It is for Canada to decide?

Hon. Mr. ANGERS—Certainly. We can modify our tariff if we please. It is not a treaty that we shall not reduce our tariff on other goods if we choose, and the hon. gentleman is quite right in his observation, but I say now to the prohibitionist, Can you vote in favour of that resolution which says "send the treaty back to France and get a better one." As to the wine-growers, can they vote for this resolution? I say no, because the prayer of that resolution is that the treaty be sent back and that we get better terms and a more extensive trade. This treaty may be cancelled after a notice of one year. Suppose we had a more advantageous treaty, a treaty that would grant us greater advantages than this—would the prohibitionists and wine maufacturers find it as easy to abrogate it as it is to get rid of this one? If it were more extensive, if it granted Canada greater advantages, no government which lives by the

will of the people would be in a position to do away with it, and perhaps we would never be blessed with a prohibitory liquor law. Perhaps we would never be in a position to better the condition of the wine manufacturers of Canada. Therefore I say that this resolution should not be adopted by those who wish to have commercial relations with France under this present treaty and who see the great advantages of it. As I stated in the beginning of my remarks, we have acquired almost the full privileges of a treaty making power True we have not made this one directly and by ourselves, but we have made it with a man of our own, and we have made it through the Ministry of England. This is our first application ; this is our first trial in such a transaction, and should we give England the occasion of saying that we are not ripe for the conditions which she has given us? Should we put the English statesmen in a position to say on a future day when we ask for a treaty either with the United States or with Germany or some other country : " But recollect that in 1894 you had made a treaty with France, and you have by the voice of your Parliament acknowledged that you were not ripe to make a treaty. We cannot expose you again to a second experience of the kind." And therefore we would be refused the opportunity. This treaty was made of our own free will and even if it were bad—which I do not admit—I think we are in honour bound as a British colony to ratify it. Is there a British colony which has ever denied its obligations? When we have signed bonds to borrow money in England have we ever allowed those bonds to be forfeited, have we not met them honourably? And when we go before the council of a nation of the first order and put our signature to this bond or treaty should we not respect this bond and this signature? Should we take advantage of being able to say that " we are a minor, we have not the manhood and the franchise of a nation and that we withdraw from it? We confess that you have humbugged us "—because really and truly that would be the meaning of refusing to ratify this treaty. It would be plainly saying " we have been humbugged." I hope this House will give no chance for the statesmen of France or of England, to say that we have made such a confession. On the contrary, I think I have shown this House that we have made a good bargain and that we have the courage, even if it were bad—reserving to ourselves the right of giving notice after the expiration of a certain time and getting rid of it—that we have the courage to stand by the agreement.

Hon. Mr. SCOTT—When I came into the chamber this afternoon the hon. Minister who has charge of this bill was congratulating this House on the advantages that have accrued to us from having practically the arrangement of our own treaties. I must admit that in past years, when we had our treaties made for us through the Imperial channels, that very many mistakes were made. I am sorry to observe also that, on this occasion, when it is said that our own plenipotentiary was mainly responsible for the details of this treaty, that he did not follow the advice and direction of the Government of Canada who were really the authors of the treaty. The hon. Minister in his concluding remarks dwelt very strongly on our obligation to accept this treaty. Now I do not recognize that there is any obligation. I think I can recall very many instances—perhaps not on the spur of the moment—in which the mother country declined to confirm a treaty entered into by its own plenipotentiary when the plenipotentiary exceeded his powers. If the plenipotentiary from France employed to carry out this treaty directly disobeyed the directions given by France, France would not hesitate for a moment to disavow this treaty. It is not very long since we made a treaty with the United States. That treaty was subject to the approval of the Parliament of Canada and the Senate of the United States. The Senate of the United States disapproved of it. It did not place that country at any serious disadvantage that I am aware of. It was one of the conditions of the treaty, and it is one of the conditions of this treaty that the Parliament of Canada must confirm it. Are we going to allow sentiment to control us in the exercise of our judgment as to whether the treaty is a sound one or not? I should hope not. I think we have had it pretty well rung into our ears during the visit of our Australian cousins that in matters of trade, people are not governed by sentiment. We are not acting on sentiment when we tax more highly the goods from Great Britain than we do the goods from the United States. We collect one-third more duties on

English goods than we do on United States goods. Neither the mother country nor the Dominion of Canada seem to feel that this is a reflection on our proper relations with the mother country, although it has been often pointed out that in the judgment of very many of us the reverse should be the case. Great Britain admits all our exports into her markets absolutely free, and we should not discriminate against her as between the United States and her. This question of sentiment ought to be dropped because I do not think it should weigh one iota in the scale. I am one of those who are strongly in favour of larger trade relations and always have been, but in making our treaties I like to recognize that the gentlemen who have been delegated to perform trusts of that sort have not, at least, betrayed us and gone directly opposite to the instructions they received. When we come to analyse this treaty, we will see that it is not going to bring us that prosperity which the hon. gentleman has so eloquently prophesied.

Hon. Mr. KAULBACH—Wherein have our representatives exceeded their powers?

Hon. Mr. SCOTT—I will point out in a moment wherein they have exceeded their powers. The treaty was pushed rather by our commissioner and having concluded it I think that he very forcibly—perhaps that is too strong a word—very positively insisted that the treaty should be ratified. We have only to go back to the history of it last year when it was announced. The Senate and the House of Commons were in session at the time, and there was a pretty general dissent against the adoption of it.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. SCOTT—Protests went abroad. The protests were met by the Government in the other House by the statement that Sir Charles Tupper had exceeded his powers. One particular clause was pointed out—the second article of the treaty :

> Any commercial advantage granted by Canada to any third power, especially in tariff matters, shall be enjoyed fully by France, Algeria and the French Colonies.

That is, if we choose to make any trade arrangements with any other country in the world we have got to include France. Not in those particular articles merely but in everything. The question came up two or three times in the House of Commons and on all occasions there was that cold approval given of it even by its own author. It shows that the Government then did not consider that the treaty was in the interests of Canada. The Minister of Finance, speaking on the 13th March when he declined positively to ratify the treaty said :

> Parliament will not be asked to ratify the treaty this year. I think it is also well to state that one of the chief points which the Government have to keep in view, is with respect to the favoured nation's clause. Whatever may have been our understanding with respect to all the other clauses of the treaty, as to articles which were to be allowed to come in, it is perfectly true that by our telegram of the 12th January we assented to these clauses, whether we fully understand them here or not, and are responsible for them. But with respect to the extensions of the most-favoured nation treatment, that was never contemplated by the Government, that was not included in our instructions, and, so far as that is concerned, was entirely beyond the wish of the Government.

There is no authority that I can find for for it, and the Minister of Finance who was the exponent of the Government in the interpretation of this treaty says most positively that they never intended it, did not desire it and there was no authority whatever for it, and it was beyond their instructions. Hon. gentlemen who read the correspondence will find that I am borne out in saying that our commissioner unduly pressed the confirmation of this treaty. We know what follows the confirmation of a treaty, medals, clasps and honours, and it is to be expected the most substantial part of it will be the honours that follow from it. As far as the press of this country is concerned, hon. gentlemen must be aware that they are pretty correct exponents of public opinion. There has not only been no enthusiasm about the treaty, but it was considered not worth discussing, although we were giving up a considerable part of our revenue and for a very ignoble purpose. What was it? That a few gentlemen could get their champagne for $4 less per case. That is the upshot of it. If we were getting something which the people generally could use, that would be a consideration, but hon. gentlemen know that there will not be more champagne used because it is got for $24 per case than $28 and I hope we will not import any more champagne because, as the Minister of Agriculture says, sometimes

headaches follow the use of wine and champagne.

Hon. Sir FRANK SMITH—Only those who take too much of it.

Hon. Mr. SCOTT—France is a highly protective country ; even its minimum tariff is very high. Its policy has been to sell to other nations and buy as little as possible from them. The reduction of the duties by the minimum tariff is really not sufficient to stimulate the export of those articles from France. It might be assumed that in the past we should have sold something considerable to France, because we have bought largely from France. Last year we bought nearly $3,000,000 worth. How much did France buy from us ? Only $264,000 worth.

Hon. Mr. TASSÉ—That was under the maximum tariff.

Hon. Mr. SCOTT—What I say is, the difference between the maximum and the minimum tariff is not sufficient to stimulate trade in the articles coming under this treaty. If there was a fair and legitimate demand for those articles, we would have sold more than that to France. Our wholesales last year amounted to $118,500,000 and of that France bought exactly one-quarter of 1 per cent and that is the trade that we are going to stimulate by this treaty. We are going to give France concessions as against the United States, with which we do a pretty large business, a business which aggregates considerably over $100,000,000—our second largest business in the world—we propose to discriminate against the United States, because in giving France this concession we are giving it to the continent of Europe. We are going to give it to Australia—I am very glad of that because I think the Australian wines are better than those of Europe. It was announced in the other House that we do not propose to discriminate against Australia and Europe.

Hon. Mr. POWER—The Minister of Finance and the Premier said they would admit all wines of that character wherever they came from.

Hon. Mr. ANGERS—He did not state that at all. As to Australian we can allow them in at a lower rate than we allow French wines and France cannot complain.

Hon. Mr. SCOTT—I am right in stating that Australian wines were to be admitted. Am I right in saying that the United States wines are not to share in the benefits ?

Hon. Mr. ANGERS—To share what ?

Hon. Mr. SCOTT—To receive any benefit from the minimum tariff under which we admit wines of Australia and France ?

Hon. Mr. ANGERS—Certainly.

Hon. Mr. BOULTON—Mr. Foster said in the House of Commons—"The Government does not intend for the present to discriminate against any country." That includes the United States.

Hon. Mr. ANGERS—That does not prevent us giving Australia advantages that we would not give any others without interfering with the French Treaty.

Hon. Mr. SCOTT—I am very glad of it.

Hon. Mr. POWER—What the hon. gentleman from Ottawa said was that the advantage was given to all Europe. The Finance Minister and the Premier both said there would be no discrimination.

Hon. Mr. ANGERS—No. I shall have an opportunity of explaining that.

Hon. Mr. SCOTT—Even if the Finance Minister did not say that, I state here as a matter of fact that under the treaties with Belgium and Germany we must admit their wines on the same terms.

Hon Mr. ANGERS—It is restricted by the grade of the wine.

Hon. Mr. SCOTT—We are obliged to give them the advantage of the favoured nations clause.

Hon. Mr. ANGERS—If the wine is graded at 26 per cent, but it is not. But then I do not even admit that the German wines would have to get the same advantage as the French wines and when I have an opportunity of speaking again I shall explain that.

Hon. Mr. DEVER—It is not the same wine at all.

Hon. Mr. SCOTT—I undersand the most-favoured nations clause is if one country admits the products of another country at the lowest rate. There are the express stipulations in those treaties that the favoured nations clause shall be extended to Belgium and Germany to the same extent that they are extended to any other country, and I think it was admitted in the other House that German and French wines would come in on the same terms. But I drop that. I say France as a matter of fact imports its wines largely. Since the phylloxera destroyed the vines of France, the finer French wines do not exist but are manufactured from the inferior ones of other countries which are brought in and made up. That is the case with champagne in particular. The phylloxera destroyed the vines of the champagne district and how do they make up the deficiency of champagne? By importation of foreign wine. The new vines do not grow on the chalk grounds of the champagne districts of France and consequently they cannot grow them there and the wines from the champagne district now are sent out in larger quantities when there are no grapes to manufacture them from, than 25 years ago when the grape was in its vigour.

Hon. Mr. ANGERS—The treaty only applies to articles of French origin.

Hon. M. SCOTT—Do you mean to tell me then when the wines of other countries are mixed in France and sent out as French wines that we are going to have them stopped to prove where the original came from? It cannot be done. I take the returns of last year in order to show hon. gentlemen that my statement is strictly correct. I have the returns down to 1891. There was imported in that year 401,000,000 francs worth of wine, and the export of wine from France for that year amounted to 246,000,000 francs, so you can see that there was over 150,000,000 francs worth of wine imported more than was sold abroad. Is not my statement correct in view of these figures? I get my figures from the Statesman's Year Book, and any hon. gentleman can verify my figures.

Hon. Mr. DEVER—How much does France use herself?

Hon. Mr. SCOTT—She imported a great deal more than she exported, showing that my statement is correct that since the phylloxera destroyed the vines of France, that country has had to depend on wines of foreign countries.

Hon. Mr. DRUMMOND—Where does that wine come from?

Hon. Mr. SCOTT—A good deal of it from the south of Europe—Sicily, Spain and other countries.

Hon. Mr. BOULTON—And Australia.

Hon. Mr. SCOTT—If any hon. gentleman will take the trouble of looking up the figures of the test of wine in Paris, where the tests are very rigorously applied, they will find that a large percentage of wine is rejected as adulterated—it cannot be otherwise when the demand for those classes of wine all over the world is very much greater than the supply, Every one knows that if you choose to look at the lists of exported wine, from French houses it is apparent that year by year they are adding to the sale of their choice wines. Everybody must recognize that they are manufactured wines. It could not be otherwise—they are made to suit particular palates. I can give any amount of authority on that subject. I will read a recent article which appeared in the *Saturday Review*:

> A great deal of misapprehension exists with regard to French wines. These, as a rule are supposed to be pure. This is a very violent supposition indeed; for in the majority of instances they are plastered, fortified, coloured and flavoured, and the practice of blending them with "vin de remede" is very commonly adopted. Then, too, sugaring the must is frequently adopted.
>
> The treatment of M. Petiot is frequently called in play in the "doctoring" of French wines. Champagnes are blended in order to produce the different varieties, with which we are so well acquainted before they leave the factory. It is an open secret that champagne makers are very often not growers at all. When the champagne is bottled and cleared of yeast, liquor is added—a large amount if sweet wine is required, and a small amount if dry wine is required—and this consists of old and good flavoured wine, with the addition of cane sugar, and the usual flavouring matter. At times, indeed, it is even made from fruits, and has actually been known to have been concocted from aerated fruit syrups, water and a common kind of spirit.

If hon. gentlemen choose to pursue that subject, there is plenty of information, and they will find that a very large proportion of wines exported now are made from grapes not grown in the country they profess to be produced in. They are to that extent adul-

terated at any rate. I was under the impression that we were excluding American wine. I consider the purest wines in the world are California wines. Although they have not learned yet to make the finest wines, they at all events make the purest wines, because there is no inducement to adulterate while the grape is so abundant. Considering that France only bought $264,000 worth from us last year, which was only one-quarter of 1 per cent of our trade, are we likely to stimulate that trade with France by reducing the duty on the small amount of trade that is done? Many of the articles in this list we do not send to France at all. Originally the list was considerably larger, one of the articles being cheese. That was excluded, and I am sorry for it, because it would have helped to overcome the objection to the treaty. I have shown already that Sir Charles Tupper exceeded his authority and had no jurisdiction whatever for including the favoured nation clause as he did. It was directly contrary to instructions given him. Take the first article in the treaty. We have never sold anything of that kind to France as far as I can learn. The maximum duty was 20 francs per 100 kilograms ; it is reduced now to 15 francs. Is that reduction sufficient to create a trade?

Hon. Mr. DRUMMOND—That is a reduction of 25 per cent.

Hon. Mr. SCOTT—You must recollect that that includes a very large amount. Will that stimulate a trade that has not before existed?

Hon. Mr. ANGERS—The States did it, and they had that advantage over us.

Hon. Mr. SCOTT—Timber rough or hewn is reduced per 100 kilograms from $1.50 to 75 cents—that is one-half ; and from $2.50 on one class to $1.25 ; wood pulp from $1.20 to 75 cents ; lobsters from 30 to 25 cents ; apples, dried, from 15 cents to 10 cents ; fresh, from 3 to 2 cents ; boots and shoes from $1.75 to $1.20. I doubt whether we will send many boots and shoes to France. Many of the articles mentioned in the list we have never sent to France at all. The amount of $264,000 is made up chiefly of lumber and lobsters.

Hon. Mr. PRICE—The difference in duty on timber alone is $1.25 to $1.50 per thousand feet.

Hon. Mr. SCOTT—That is a handsome reduction.

Hon. Mr. PRICE—Yes, it is equal to a handsome profit.

Hon. Mr. SCOTT—Perhaps the hon. gentleman can tell me whether before 1891, when the tariff was changed, we sent lumber to France?

Hon. Mr. PRICE—Yes.

Hon. Mr. SCOTT—Was it admitted free then?

Hon. Mr. PRICE—No, it was subject to a duty. It was admitted on the same tariff as the timber of Great Britain. It is now subject to the maximum duty.

Hon. Mr. SCOTT—We sent about $110,000 worth in the last year that we have returns for.

Hon. Mr. PRICE—Practically it is excluded from the country altogether by the prohibitory tariff.

Hon. Mr. SCOTT—That and lobsters were the two principal items. In making this treaty with France, if we had agreed to admit certain articles used by the great masses of people of this country, there would be less objection to it, but it seems very extraordinary that practically we admit wine only, because nuts and soap are not worth discussing.

Hon. Sir FRANK SMITH—We do not grow them here.

Hon. Mr. SCOTT—The money value of nuts in a treaty does not amount to much. When we are agreeing to reduce the tariff on certain articles it should be in the direction of benefiting the principal consumers and not benefiting a few gentlemen. I think it is an offence against the public sentiment of this country. But the hon. gentleman has said that prohibition people have nothing to complain of. I think they have a good deal to complain of. It is setting them at defiance because we cannot keep from view the fact that the great majority of the people of Canada who take stimulants are not wine drinkers.

Hon. Mr. ROBITAILLE—That is what we want to change.

Hon. Mr. SCOTT—There is a considerable element, certainly a majority outside of Quebec, and possibly a majority in Quebec, who are in favour of prohibition. There is no doubt about it in the province of Manitoba, if we are to be governed in our conclusions by the votes of the people. Ontario gave a majority of 80,000 odd in favour of prohibition.

Hon. Sir FRANK SMITH—There was the same kind of vote under the Scott Act.

Hon. Mr. SCOTT—The hon. gentleman's Government would not enforce it.

Hon. Sir FRANK SMITH—No, nor would the hon. gentleman's own Government have enforced it had they remained in power.

Hon. Mr. SCOTT—Had they remained in power they would have enforced it.

Hon. Mr. TASSÉ—Why is it there is so little intemperance in France?

Hon. Mr. SCOTT—Formerly there was not. Up to the time the phylloxera destroyed the vines the wines were generally pure, and the use of much wines did not produce intoxication. But it is the experience now that there is a good deal more intemperance in France than there ever was before.

Hon. Mr. ANGERS—No.

Hon. Mr. SCOTT—The reports of recent travellers state that there is a very great change of late years simply because wines are not as pure as they were formerly.

Hon. Mr. TASSÉ—Still the people of France are the most temperate people in the world.

Hon. Mr. SCOTT—I am quite prepared to admit that.

Hon. Mr. OGILVIE—Hear, hear. France and Italy.

Hon. Mr. SCOTT—I suppose the habitant in his native province does drink the pure wine.

Hon. Mr. DESJARDINS—The crop of last year was the greatest for many years, so that there is no danger of adulteration for that year.

Hon. Mr. SCOTT—I am quite aware that last year's crop was an unusual one. The Statesman's Year Book shows that France imports more wine than it exports. It is not quite proper, I think, to shock the public sentiment of this country by attaching such importance to the value of importing wines of the character used by the wealthier classes. It must offend the great mass of the people, and they look upon it as a check to the prohibition sentiment. The province of Prince Edward Island has practically adopted prohibition. What is called the Scott Act is in force throughout the island.

Hon. Sir FRANK SMITH—And they drink more than they did before.

Hon. Mr. SCOTT—We will not discuss that—at all events, they have declared in favour of prohibition. Ontario and Manitoba have done the same and the provinces of New Brunswick and Nova Scotia, by the returns, show that they are practically in favour of temperance. The consumption there per head is very much below what it was, and I am glad to know that the temperance sentiment is growing. The hon. Minister did not attach much importance to that branch of the subject and sought to excuse the position of the Government by saying that we can denounce the treaty. So we can, but it is not a courteous thing, after you have entered into a treaty with a country, to denounce it. Even if we are not receiving our quota of value from it, I would not like to see it denounced. France is in a position to refuse to confirm the treaty. It does not follow because her plenipotentiaries have made this treaty that the parliament of France will approve of it. Very likely they will. It was made on the spot, and their public men were present, but it was made 3,000 miles away from us. It should be looked at apart from sentiment, and should be judged on its merits, whether we are getting any substantial advantages from from it. The hon. gentleman from Chicoutimi says that it will make a difference of $1.25 per thousand on lumber. To that extent it will benefit us. Whether it will increase the export of lumber to France, I cannot say, but certainly the experience of the past has been that France is not very willing to trade with us, considering that we were buying nearly $3,000,000 worth from her and she was buying only $264,000 worth from us. I quite agree with the hon. gentleman who has put the amendment on

the paper, that it is better to defer the treaty for another year. It has had a cold reception during the past year. The press of the country has not been jubilant over it, and I think we had better wait another year before giving it our confirmation.

Hon. Mr. BOULTON—Some days ago I put a notice on the paper that I would move that the treaty be returned to the Imperial Government with a request that negotiations might be reopened with a view to placing the trade relations between Canada and France on a better footing than is offered by the treaty. Some hon. gentlemen may think I took a rather forward step in giving such a long notice, but when an important question like this is before this House it is right that the Government should have fair warning as to what sort of attack might be made on it when it comes up for consideration. The hon. leader of the House has said that this is one of the first treaties that we have had the privilege of negotiating after striving for a great number of years to get that privilege, and that we have negotiated this treaty ourselves through our own officials with the assistance of an Imperial officer and an old friend, Lord Dufferin. The very fact that we have undertaken to negotiate our own treaties and that this is the first one that we have negotiated behooves us to consider very carefully how far it is wise for us to give our sanction to it, which sanction is one of the conditions attached to the making of the treaty. The hon. gentleman knows that in the House of Commons the Government have brought the treaty forward after a year's delay. The reason apparent to the public that there was that delay was because the treaty which was negotiated was not in accordance with the policy of the Government as laid down in the instructions given to the plenipotentiary who negotiated it, and it was quite apparent to the country that the plenipotentiary who negotiated the treaty, Sir Charles Tupper, in view of the refusal of the Government apparently to bring it up for ratification, exercised his influence and power over the Government.

Hon. Mr. ANGERS—Oh no.

Hon. Mr. BOULTON—I say so, as far as the public can judge of it it is so.

Hon. Mr. ANGERS—Oh no.

Hon. Mr. BOULTON—We understood it was telegraphed out that Sir Charles Tupper would resign if they did not do so.

Hon. Mr. ANGERS—Oh no.

Hon. Mr. BOULTON—We can only judge of these things as they are stated to us.

Hon. Mr. ANGERS—It is gossip.

Hon. Mr. BOULTON—Certainly it is gossip. But when you take the utterances of the Finance Minister last year, when you take the supposed utterances of the High Commissioner, and when you take the introduction of the treaty in the face of the correspondence that is put before us for the consideration of the treaty, I say there are very fair grounds for justification in saying that rather than have any trouble in the ranks of the Government they receded from their position and brought the treaty down for our ratification. I think possibly that as the Government negotiated the treaty through their plenipotentiary, and as it was signed, they probably were perfectly right. They felt to a certain extent in honour bound to bring it before Parliament. But while the Government may have been placed in that position through their plenipotentiary, it does not all follow that we, as canadian Senators, are bound to sanction it for the same reason. Now hon. gentlemen will see further that in the House of Commons all our French Canadian fellow-countrymen came together, irrespective of party, and voted for the treaty.

Hon. Mr. KAULBACH—Hear, hear.

Hon. Mr. BOULTON—That, I consider, was a matter of sentiment with them.

Hon. Mr. ANGERS—No.

Hon. Mr. BOULTON—Certainly. When two parties unite in that way, it cannot be on a question of public policy ; it is a matter of sentiment.

Hon. Mr. ANGERS—Oh, no.

Hon. Mr. BOULTON—Certainly, that is not the way parties usually act. There is nothing in this treaty that would cause two

opposite parties to combine purely upon the question of the advantages in the bill itself. It is because it is a French Treaty. I respect the sentiment of those gentlemen. I am not finding fault with them for taking that ground. I am merely stating what appears to me to be a fact—that they have united in support of the treaty in the House of Commons out of respect to the sentiment with which they are imbued. It is an honourable sentiment, and one that I respect. But, at any rate, I draw the attention of the House to these facts which I consider are the reason why the merits of the treaty itself have been lost sight of to a very great extent. Quoting from a French Canadian journal I observe the exports to France are placed as follows:

| | |
|---|---|
| Nouvelle-Ecosse | $ 316,995 |
| Nouveau-Brunswick | 78,956 |
| Ile du Prince-Edouard | 30,761 |
| Ontario | 19,845 |
| Manitoba | 500 |
| Provinces-Anglaises | 446,457 |
| Quebec | 63,054 |

These figures do not accord with our Trade and Navigation returns in amount, but they indicate the argument used to secure a united support to the treaty. I see by the French Trade and Navigation returns that the imports from Canada are not separated from the British colonies in America which include all in North and South America. Many of the members supporting the Government, while not prepared to eulogize the treaty, or to take it up and defend it, said: "We feel that the Government is in honour bound to ratify it because the treaty has been signed by our plenipotentiaries." They responded to the appeal which I have no doubt was made to them in the House of Commons, and which the hon. leader has made to this House, that because the treaty was negotiated by the Imperial Government we are in honour bound to carry it out. Now, I submit to this House that there are ample precedents to show that that is not a just or a necessary position for us to take. I will show you that when a treaty had been negotiated between the French Government and the Swiss Government, and had proceeded as far as our treaty has gone at the present moment, the French parliament felt that they were not bound to carry it out. Here are Lord Dufferin's own words. He says:

> Lord Dufferin in the course of our interview called my attention to an article in to-day's *Figaro*, a copy of which I attach, on the proposed France-Swiss convention and its probable reception at the hands of the chambers. You will remember that in this measure the French Government have agreed to an arrangement revolving reductions on their minimum tariff, and the trade relations with Switzerland are of such consequence to have warranted this. But it now appears that there is a very stong feeling against any convention being conducted on such terms, and the article in question seems to indicate that the Government are seeking to detach themselves from the matter and to throw the responsibility on the shoulders of the Minister of Agriculture and of Commerce, upon whom the responsibility for defending the negotiation in the chamber will devolve.

A little further on, on page 41, Sir Charles Tupper again refers to the matter and says:

> Switzerland, which sent France in 1891, over 36,000,000 lbs. of this cheese, is now under the maximum tariff, which imposes a duty of twenty-five francs per one hundred killos, against fifteen francs, the minimum tariff rate.

That shows the view that France took of a treaty of this kind, negotiated with Switzerland. Her government carried out the treaty with Switzerland, signed it, and completed it, but allowed Parliament to override the treaty which she had negotiated. There is a precedent established by the power with whom we have entered into this treaty: therefore it would not be considered by France a point of honour with the Canadian Parliament to carry it out on any such ground as the fact that the treaty had been signed. There was another precedent which I read to this House the other day, when speaking on the same question. England was negotiating a treaty with Spain in 1886, and her policy was that in any negotiation for opening the markets of Spain, in consideration of the raising of the alcoholic test of the Spanish wines to 30 per cent, we were to be admitted to the market of the Spanish colonies and Spain. Spain wished to confine it to Great Britain alone in her colonies of Cuba and Porto Rico. Great Britain's policy was: "No, whatever advantages you give to us you give to our colonies at the same time in Cuba and Porto Rico." Spain wanted to exclude Canada from Cuba and Porto Rico; England refused to do it. The treaty was negotiated by Sir Clare Forde and concluded, and he sent it to the British Government for their sanction before signing it. He said it was the best treaty that could be had, and he thought it was better to let Cuba and Porto Rico go under the circumstances. This is the reply

of the then Minister of Foreign Affairs, Lord Rosebery:

These considerations, to which, in the interests not merely of the revenue, but also of the British trade, much weight must be attached, deter Her Majesty's Government from granting you authority to grant the declaration which you have submitted for their sanction. They have, however, arrived at this conclusion with much regret, and they trust that time is not distant when a successful effort may be made to obtain the object which they have in view. It is, therefore, the wish of Her Majesty's Government that, in the event of the Spanish Government being willing to pursue them, the negotiations should be continued by you on the wider basis which the foregoing remarks indicate: but having regard to the opinion expressed in your despatch, that, owing to a necessity which would arise of a readjustment of valuations and of a reduction of duties in the Spanish tariff, the present moment is not opportune for negotiating a definite treaty such as the commercial classes of this country would desire, Her Majesty's Government leave to your discretion the particular action which it may be desirable now to take.

MADRID, March 27th, 1886.

MY LORD,—In conformity with the instructions contained in your Lordship's despatch of the 22nd inst, I addressed a note to Senor Moret, the Spanish Minister of State, in the sense of the despatch which your lordship had addressed to me.

In the course of the afternoon I had an opportunity of seeing the Minister, who expressed to me the regret he felt on learning that Her Majesty's Government were unable to grant me authority to sign the declaration which I had submitted to them. * * * * *

He was prepared, he said, to frame a bill which he would present to the Cortes as soon as they met in the month of May, to grant to Great Britain the most-favoured nation treatment in Spain and in the Spanish colonies without any exception whatever, co-extensive both in amount of benefit and in duration with that accorded to France and Germany.

There was a treaty negotiated between England and Spain after a great deal of trouble and a great deal of communication between the Spanish Government and the British plenipotentiary. The British Government did not hesitate for one second when it was contrary to her recognized and acknowledged policy, to throw the treaty to one side, with a polite request that so soon as it was possible to make a better treaty she was open to do it.

Hon. Mr. KAULBACH—Was it signed by the plenipotentiary?

Hon. Mr. BOULTON—No; but it was negotiated.

Hon. Mr. ANGERS—It was no treaty then.

Hon. Mr. BOULTON—I wish to show you, as far as signing it is concerned, that our plenipotentiary signed it in direct opposition to the policy of the Government.

Hon. Mr. DEVER—Spain would not acknowledge the right of British colonies to go into Cuba and Porto Rico.

Hon. Mr. BOULTON—She did. There was a treaty negotiated which threw open Cuba and Porto Rico to Canada as well as to England.

Hon. Mr. DEVER—What was the objection of Great Britain?

Hon. Mr. ANGERS—It was never signed.

Hon. Mr. DEVER—There must have been some objection.

Hon. Sir FRANK SMITH—It was only in preparation.

Hon. Mr. BOULTON—It had been negotiated, and when it was negotiated it was then sent to the British Government for authority to sign. Our plenipotentiary negotiated a treaty with France, but he never sent the treaty to his Government to get the authority to sign it, and it is in consequence of the failure of the plenipotentiary, our High Commissioner, who was intrusted with the rights of Canada to send the treaty for the approval of Canada that I take a very strong objection to it. The treaty was contrary to the policy of the Canadian Government in regard to the most-favoured nation treatment, and I say that the policy that they instructed him to pursue is a sound one and a policy that they should not have departed from by bringing this treaty forward. We in this House are not bound, fortunately, by the exigencies that very often influence members of the House of Commons. We can exercise our independent views; we can take a broad and statesmanlike view of a treaty of this kind, as to how far it is going to affect the country, how far it is in accord with the policy that we should lay down in the negotiation of any future treaty. It is on those grounds we should consider this treaty and not from any narrow standpoint; and when I stand before this House to-day it is not for the purpose of kicking the treaty over; it is to have it negotiated upon a broad and equitable basis that it may expand our trade

with France and make it a treaty of friendship as well as of commerce.

Hon. Mr. ANGERS—It is a new rule to send it back.

Hon. Mr. BOULTON—No, I have shown you that France sent a treaty back. I have shown you the correspondence in which the Parliament of France sent back the treaty they had signed with Switzerland. One of the conditions of this treaty is that it shall be sanctioned by Parliament. We are a part of Parliament, and therefore if we do not sanction it there can be no ground of dishonour, no breach of faith of any kind or description.

Hon. Mr. DEVER—Our Government does not want to send it back.

Hon. Mr. BOULTON—Now, hon. gentlemen, there is just a doubt in my mind as to whether the treaty will be ratified by France, whether they will not deal with this treaty exactly in the same manner that they dealt with the Swiss treaty, and I will give you my reason for saying so. Mr. Foster, in the House of Commons, has told us that under the most-favoured nations treatment all the nations in Europe with whom we have most-favoured nation treaties will be included; and notwithstanding a conference we held here the other day, for the purpose of negotiating with our sister colonies for better treatment, if that treaty were carried out, and no legislation enacted, France would be sending her wines in here at 50 per cent less tariff than our sister colonies would be allowed to send in from the Cape of Good Hope and Australia.

Hon. Mr. ANGERS—Oh, no, it does not affect them at all.

Hon. Mr. BOULTON—I beg pardon, at the present moment you have to make legislation which will enable Australia to send their wine in at the same rate as France now obtains in this treaty.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. BOULTON—Legislation will have to be put upon the statute-book to allow Australia to do so.

Hon. Mr. KAULBACH—It will not affect this treaty.

Hon. Mr. BOULTON—It will affect Australia till a bill is enacted.

Hon. Mr. DEVER—She does not send us wine.

Hon. Mr. BOULTON—She sends it to France, and France will send it to us under this treaty, and the statement I read you a few moments ago, that Mr. Foster made in the House of Commons, was that the policy of the Government is to show no discrimination, but to throw down the bars and admit these wines up to 26 per cent proof from Australia and the United States.

Hon. Mr. KAULBACH—United States is not mentioned.

Hon. Mr. BOULTON—Yes, Sir Richard Cartwright asked the question :

Mr. McCARTHY—Will be put upon the same footing.

Mr. FOSTER—Mr. Chairman, I have no hesitation in answering my hon. friend's question, perhaps a little more widely than he has asked it. In the first place, then, the treaty does not oblige us, as is apparent on the face of it, to give to France preferential treatment in our market. It simply obliges us to take off the ad valorem duty. We are at perfect liberty to take off the ad valorem duty upon wines coming from any other country. We are at perfect liberty to reduce the specific duties below the present rate, but, in that case, of course we should be obliged to give France equal treatment with the other foreign country or power. We are not, however, obliged to withhold from our sister colonies the same treatment, or better treatment than we give to France in relation to her wines; nor is it the intention of the Government to withhold from the sister colonies at present equal treatment with respect to the same kind of wines as is given to French product.

Sir RICHARD CARTWRIGHT—What does the hon. gentleman propose with respect to other wines—German, for instance, and Spanish?

Mr. FOSTER—With reference to the wines of countries which have most-favoured nation treaties the clauses of which bind us, then wine of the same quality would come in under the same conditions as French wines. With reference to other foreign countries, that may be a matter for consideration as to what is best to be done. The points I have answered take in all except the nations that have nc favoured nation treaty.

Sir RICHARD CARTWRIGHT—Germany has a favoured nation clause, and Spain also.

Mr. FOSTER—No; not Spain.

Sir RICHARD CARTWRIGHT—It had at one time.

Mr. FOSTER—Yes.

Sir RICHARD CARTWRIGHT—If French wines are admitted at this reduction; if German wines are admitted, if Australian and Cape wines are admitted on the same terms—and I presume

United States wines, if any such come in—how will United States wines be treated ?

Mr. FOSTER—They need not be treated in the same way.

Sir RICHARD CARTWRIGHT—No, no. What I want to know is what the Government proposes to do. This is the proper time to have an explanation of the policy of the Government with respect to these countries.

Mr. FOSTER—The Government does not intend to discriminate for the present against any country.

If that is not going to admit Australian wines and United States wines, and wines from all parts of the world upon the same basis as we are now according to France, I do not know what it means.

Hon. Sir FRANK SMITH—Is that what you want ?

Hon. Mr. BOULTON—Yes, it is a free trade measure I want; but when we get a treaty negotiated with France I want to see that it is equitable so far as the industrial people of the country are concerned and not release the luxuries from duty while necessities are taxed. Now, hon. gentlemen, here is what Sir Charles Tupper said to the the French representatives who were negotiating this treaty with him, I quote from his correspondence :

The French representatives also add that any tariff remission given to France would be much more valuable if it were confined to France and not extended to any other country—that is to give them a monopoly. I replied that it was as impossible for us to entertain any such proposition as it would be for them to confine the minimum tariff to any one country, and that Canada must remain entirely free in that respect. I stated that Canada would certainly not give any other country any concession she might make to France without obtaining a sufficient equivalent in return.

Now the point I take there is that if Sir Charles Tupper, our plenipotentiary, has assured France that we would not give any concession to another country similar to that which we are giving to France, unless we got an equivalent, is not that impressing the Government of France with the idea we would not do so ? Now in the face of the statement, our Finance Minister has made in the House of Commons which I have just read to you, it may be taken for granted that Sir Charles Tupper is wrong, and that we are going to throw open the country, and in the arrangement we are making with France, we do not propose to discriminate against anybody, what effect is that likely to have upon the French Parliament when they come to discuss this treaty ? My idea is that, if they are still of the same mind as they were when negotiating with Switzerland, they may take the same ground and withdraw from the treaty in the same way as they did in the treaty with Switzerland. It is for these reasons that I say there is a reasonable doubt as to whether this treaty will be ratified by France.

Hon. Mr. DEVER—That would be very bad for us.

Hon. Mr. BOULTON—As to whether it will go into operation or not. Now, Mr. Chairman, I would like to read you the instructions that were sent to Sir Charles Tupper, in order to show how far the departure has been made from the acknowledged settled policy of the Government in regard to the negotiation of treaties and of this principle in particular. This treaty was under negotiation for some six or eight months but on the 12th January, in reply to communication from Sir Charles Tupper, Mr. Bowell telegraphed to him the following :

*Re* French negotiations. Government cannot accept conditions involved in clauses regarding steamship subvention and reduction duty French books, but agree to most-favoured nation treatment so far as articles named in treaty are concerned.

Now that is on the 12th January. After that Sir Charles Tupper went to Paris in order to negotiate the treaty and he acknowledged the receipt of this and said it was all right and satisfactory. Then on the 4th February, two days before the treaty was signed, another telegram from Mr. Bowell to Sir Charles Tupper says :

Letter 21st received this morning. Impossible to decide until further information reaches us as to what are specified in the draft. Cable what proposition is as to cheese.

Then without any date at all Sir Charles Tupper answers :

Your telegram received in Paris, Sunday, is fully answered by my letters 24th and 25th January, which should have reached you yesterday.

Then a telegram on 6th February from Sir Charles Tupper says :

Treaty was duly signed at foreign office to-day at five. Only alteration in draft already sent you is the addition of wood pavement in the piece.

Then Sir John Thompson on same date telegraphs :

TUPPER, London,—No draft received ; no steps shall be taken towards ratification until we cable

approval. At present cannot understand what terms proposed either side.

THOMPSON.

Now that is the condition the Government was in while that treaty was being negotiated so far as information was concerned. I will read you Sir Charles Tupper's letter of January 31st. Sir Charles Tupper writes to Hon. Mr. Bowell :—

VICTORIA CHAMBERS,
17, VICTORIA ST., LONDON, S. W.,
31st January, 1893.

Hon. MACKENZIE BOWELL,
Minister of Trade and Commerce,
Ottawa.

DEAR MR. BOWELL,—I returned to London from Paris on the 27th instant and on the following day I left the text of the treaty at the foreign offices, as I had been requested to do by Lord Dufferin. I explained that it was of importance that Lord Dufferin and I should be authorized to sign at the earliest possible moment, as the Canadian Government were anxious to submit the treaty to the House, now in session, without delay. I am expecting at any moment to receive the necessary instructions.

I take the opportunity of submitting a short memorandum I have drawn up on the subject of the opening in France for hard cheese, provided Canada obtained the minimum tariff on that article which I commend to your perusal. I have also in this connection to make a correction in the statement I made in my last despatch, namely, that Switzerland exported 36,000,000 pounds of cheese to France. This amount, as you will see from the memorandum, represents the total importation of hard cheese into France.

I am, faithfully yours,

CHARLES TUPPER.

Now, you see, Sir Charles Tupper returned from Paris after concluding the treaty. He concluded the final negotiations with the French Government, and returned to London in order to submit the treaty to the Imperial Government, and between the 27th January and the 4th or 5th February he remained in London, when he returned to Paris. Now, between 27th January and 6th February there was ample time to cable out the full text of the treaty from London to Canada in accordance with the desire of Sir John Thompson, the leader of the Government, that they might know exactly what their plenipotentiaries were going to sign. They were completely in the dark as to what was going on, and, as results proved, they were perfectly justified in taking that position, because the treaty Sir Charles Tupper negotiated was not in accordance with the instruction he had received from our Government in regard to the treaty which Sir Charles Tupper was aware of. As in a letter dated January 25th to the Hon. Mr. Bowell appears this clause referring to the change in the terms authorized by the Government. "This at first sight may appear to exceed in a slight degree the instructions that you gave me, but practically I think it will be found to be entirely unobjectionable." The Government's instructions practically were :

We will not accede to the proposition of most-favoured nation treatment on the conditions that are in the treaty now, but we will concede it so far as the articles mentioned in the treaty itself are concerned.

There is a vast difference between the two, and there is a vital principle at stake in the change. At the present moment the treaty that has been negotiated has given to France most-favoured nation treatment in all Canadian commerce. Whatever arrangement we make with any country in the world with regard to our commerce France gets the benefit of most-favoured nation treatment, but in return we only get the benefit of most-favoured nation treatment in regard to the articles mentioned in the treaty. The Government would not accede to that. They had sense enough, and they had statesmanlike knowledge enough to realize it, and they were not in such a desperate haste and anxiety to negotiate a treaty as to take it upon any terms whatever. They said to Sir Charles Tupper, "Only negotiate your most-favoured nation treatment on those terms." But Sir Charles Tupper went and negotiated a treaty, and although he had eight or nine days between the final negotiating of it and the actual signing of it to transmit the information that was eagerly and anxiously sought for through the cable by Sir John Thompson and Mr. Bowell—he had all that time—yet the information was not forwarded, and the treaty has been negotiated and has been signed, and now we are called upon simply because the treaty has been signed, simply because the signatures of the plenipotentiaries have been put to it, we are called upon to make it law, and that is advanced as the only reason why this Parliament should give its sanction to the treaty. Now we, as the Senate, as an important part of the Parliament of Canada, have a perfect right to say that we do not think, in the negotiation of one of the first treaties that we have been called upon to negotiate, that

we should admit the principle as a sound one, that most-favoured nation treatment with any other nation that we may negotiate a treaty with, shall be of that one-sided character as I contend this is. We should act with the dignity becoming a parliament, and the negotiation of this treaty shows the advisability of our High Commissioner having a seat in Parliament, where for a month or so annually he could take his seat; it would add strength and dignity in his official relations with the Imperial Government. We should recognize the value of the entry of the market into this great country of ours when we attempt to make a treaty—a country as large as Russia, so far as the territory is concerned, and may be, as I hope it will be one day, composed of ten, fifteen or twenty million people, and all the time expanding. The value of most-favoured nation treatment in Canada should be exactly upon the same terms as most-favoured nation treatment to France, upon the grounds which I stated here the other day, that while our purchasing power was limited to five million people our selling power, or power to take advantage of the larger market, was no greater, because if you look at the returns of nearly every nation on the face of the earth, you will find there is an approximation between their selling power and their purchasing power, and the freer their trade the greater their purchasing power, and therefore, if those two are equal, the most-favoured nation treatment that leads to the interchange of produce should also be equalled. For that reason, hon. gentlemen, I say it is not an equitable treaty. What I say is that we should ask the Imperial Government, in consequence of a misunderstanding that arose through the negotiation of the treaty, in consequence of the departure from the instructions that our Government gave to the plenipotentiaries with regard to it, that we request that they will reopen the negotiations, in order that the most-favoured nation clause and one or two other things in regard to the treaty should be brought before the French Government, in order that they may be rectified, the object of our French Canadian friends being to extend commerce with France.

Hon. Mr. ANGERS—No.

Hon. Mr. BOULTON—That is the object we all have, to extend commerce in every direction. We do not want to be restricted in any possible way, and if you make a one-sided treaty the chances are it will not be found to work equitably, and that before a year or two are over it will be found necessary to denounce it. If the French Government itself carries out this treaty in its present form and ratifies it, before two years are over I believe it will be found to be so inequitable in its arrangements that it will be denounced by our people, and I say it is most inequitable as far as the people of Canada are concerned.

Hon. Mr. DEVER—What do we give away?

Hon. Mr. BOULTON—We give away most-favoured nations treatment in the ports in Canada, in exchange for most-favoured nation treatment in twenty articles, many of which, as Sir Charles Tupper pointed out to the French Government, we could not take advantage of unless we subsidized a direct line to escape the surtaxe d'entrepôt.

Hon. Mr. DEVER—For a little wine.

Hon. Mr. BOULTON—No, sir, we are exchanging the duties on wine for the duties on twenty articles. The hon. gentleman will have an opportunity of replying to me after awhile. The treaty has been negotiated. The wine has been permitted to come in at a certain rate and we have twenty articles admitted at a certain rate. The most-favoured nation treatment is what I call a treaty of friendship; that is to say, we wish to extend to France whatever friendly relations we may extend to every nation and we ask the same. That is what I call a treaty of friendship. The other articles are an equitable distribution of the trade so far as it presented itself to the mind of the Government and the mind of our plenipotentiary. Great Britain is a country that has always said: "We throw open our markets and our policy is a free trade policy; we negotiate treaties not for the purpose of dickering and trading a few articles off against a few articles, but what we do ask is that we shall not be discriminated against in the markets of foreign nations in any shape or form whatever. All we ask is a fair field and no favours and upon that basis she has built up an enormous com-

merce." She has built up enormous wealth, and I say, hon. gentlemen, that the closer that we can adhere to that policy of Great Britain, so far as most-favoured nation treatment is concerned, the better for our industrial population, the better for our whole country. I say we should adhere to that policy, and the Imperial Government, in referring back the treaty to reopen negotiations, I believe, will feel themselves perfectly justified in doing so for the purpose of enabling Canada to closely follow her policy in regard to the most-favoured nation treatment that she has for so many years followed up. Now, hon. gentlemen, Sir Charles Tupper has signed the treaty and it has been sent out now for us to ratify. I have pointed out to this honourable House the conditions under which it has been ratified. I have pointed out to this House how it has been ratified and signed contrary to the policy of the Government, and I would dwell for a few moments upon the merits of the treaty itself. Of course there are some that are going to be benefited in regard to the treaty but benefited to such a small extent so far as the general trade of the country is concerned and so far as their own trade is concerned, that it is hardly worth while for anybody to consider the treaty from a personal standpoint as to what effect it is going to have upon his business in any of the articles that are now being dealt with in the treaty. Our leader has told us that we are going to be admitted to trade in that country in 20 articles upon the minimum tariff, and that the minimum tariff will open out to us a trade in articles that are imported by France to the value of $38,000,000. He made a mistake of $5,000,000.

Hon. Mr. ANGERS—No.

Hon. Mr. BOULTON—Yes, you will see that cheese is included in that $38,000,000, and that it is not included in the treaty. Six o'clock being called, I move the adjournment of the debate.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (161) "An Act further to amend the Acts respecting ocean steamship subsidies."—(Mr. Angers.)

Bill (160) "An Act respecting Dominion Lands."—(Mr. Angers.)

The Senate adjourned at Six p.m.

## Second Session.

The SPEAKER took the Chair at Eight o'clock.

Routine proceedings.

## THE FRENCH TREATY BILL.

DEBATE CONTINUED.

Hon. Mr. BOULTON—Before the adjournment I had dealt with the method that had been adopted with regard to the negotiation of the treaty and I was about to commence to refer to the merits of the treaty itself so far as the imports and exports with which they deal are concerned. I will endeavour to show that the effect of the treaty so far as its effect on the country is concerned is that the maritime provinces will get a small benefit from the treaty and possibly one or two portions of the provinces of Quebec, but the main portion of the province of Quebec, the whole of Ontario and the North-west Territories are getting no benefit from it whatever. British Columbia may be able to sell some lumber. No one tells you in what way our western provinces can in any respect get any benefit from this treaty, but more than that, for the benefits that accrue to those portions of the country that can take advantage of it, the province of Ontario in their wine district is paying the bonus. In other words, the duties which are remitted by France in favour of the articles in the treaty is a bonus to those industries engaged in the production of those articles, and those who pay the bonus for it are the wine producers of the province of Ontario that are attacked through the importations in regard to the wine duties. It will be my object to show that that position is a correct one in order to criticise the merits of the treaty itself. The hon. leader of the House has said that the treaty put on the minimum list a certain number of articles, twenty altogether, and the gross importation into France of those twenty articles from all countries is $38,000,000. I corrected him with regard to the amount: it is only $33,000,000, because in the ad-

dition of it cheese is included which is not mentioned in the treaty. The importation of cheese into France is in the neighbourhood of $5,000,000. So there are $33,000,000 of the imports of France with which we have to deal in discussing the twenty articles which are benefited by the minimum tariff. Of that $33,000,000 the chief article is lumber, the amount being $20,000,000, including $3,750,000 for staves. Our exportation of lumber to France is exceedingly small and has never been large. Our export of staves is $560,000, all going to the United States. In 1892, as has already been stated here, the tariff was the same to all countries, up to which date I believe lumber was free, but since then there has been a maximum and a minimum tariff established. I have here the Trade and Navigation returns of France showing exactly what the importations of lumber have been and the countries from which they are imported. The chief countries they import lumber from are Russia, Sweden, Austria, Norway, the United States and Canada, and taking the last decade between 1882 and 1892, which is the date at which the maximum and minimum tariff was established, the average annual importations were as follows :

| | |
|---|---|
| From Russia | $4,000,000 |
| Sweden | 8,600,000 |
| Austria | 8,000,000 |
| Norway | 1,800,000 |
| United States | 800,000 |
| Canada (during seven years of that period) | 400,000 |

In 1893 in consequence of the heavy duties the import of lumber has fallen to $16,000,000. One of the great arguments in favour of the treaty is that it is going to make a market for our lumber. In the 10 years during which we had equal opportunity to trade in the markets of France with other countries for which we have returns, France imported only $400,000 worth of lumber per annum from the British Colonies in America and recollect that $400,000 is not computed at the cost or price of the article as it leaves this country but is I presume the value of the lumber quoted at port of entry with all those heavy duties added to it so that in reality so far as the valuation is concerned where it leaves Canada it does not amount to $400,000 and for these reasons our export of lumber of $150,000 to France may be accepted as fairly correct.

Hon. Mr. DEVER—It will be entered as at first cost of the country where it is imported from.

Hon. Mr. BOULTON—No, it is valued with the duty and freight added by valuators and for revenue purposes they compute that valuation high, therefore the value of the importation according to the French Trade and Navigation returns is no indication of the value of the lumber that left Canada.

Hon. Mr. KAULBACH—Or any other country.

Hon. Mr. BOULTON—Or any other country for that matter. I am only pointing out that to show that $400,000 is not the Canadian value of the exports. For ten years before we were subject to any disability under the maximum or minimum tariff we were only able to export, according to French valuation, $400,000 a year, from all the British Colonies in America and the chief imports of lumber have come from Russia, Austria, Norway and Sweden, and a small amount from the United States, which shows that neither the United States nor Canada can compete with those countries in sending lumber to France, at least they have not shown any capacity to do so up to the present moment, although, apparently, trading on even terms up to 1892. It may be taken as an evidence that they have found better markets elsewhere. Therefore, if we are merely put on a par with Russia, Norway and Sweden under a minimum tariff we will be under no greater advantage than we were during the ten years to which I have referred.

Hon. Mr. KAULBACH—How long has Norway had that favoured nations treaty ?

Hon. Mr. BOULTON—Of course, maximum and minimum tariff was passed in 1892 and therefore, I presume, Norway and Sweden have negotiated a treaty under the minimum tariff since 1892.

Hon. Mr. KAULBACH—Had she not one before that ?

Hon. Mr. BOULTON—Not that I am aware of. There was just the same tariff open to our country. Everybody knows that

our export of lumber is about $25,000,000 every year. A very large portion of it goes to the United States and to the open market of Great Britain—$10,000,000, I think, to the United States and $12,000,000 to Great Britain. So that on the merits of the treaty itself is it wise to consider the ability to export $200,000 or $300,000 worth of lumber as shown by the Trade and Navigation returns, as compared with that twenty-five millions of dollars export of lumber that we already enjoy and can enjoy in the markets of the United States and Great Britain and other markets?

Hon. Mr. DEVER—It will not prevent our sending it there still.

Hon. Mr. BOULTON—I am merely comparing the ability of Canada to compete with Russia, Sweden and Norway during those years when we were all on equal terms with our ordinary and general exports of lumber which have amounted from twenty to twenty-five millions, and I am only drawing deductions from that, that while the minimum tariff may place us on a level with Norway, Sweden and Russia, the benefit will accrue to only two or three different lumber mills which will reap perhaps a benefit, as my hon. friend from Quebec who is acquainted with the lumber trade, says it will, to the amount of $1.25 per thousand on lumber exported. But when that maximum tariff is reduced, the question is whether the French market will be of more value than is already enjoyed by our lumbermen in the Argentine Republic, the United States, England and elsewhere. Sir Charles Tupper in his returns calculates upon an increase of exports of lumber to France of one-half, that will amount to $100,000 or $150,000 a year. I trust if the treaty goes into force it will be more than that. I am quite prepared to admit the advisability and advantage of getting under the minimum tariff, and I would point out that the treaty if confirmed from its merits should be confirmed upon its merits so far as it benefits or affects the whole country. What I am arguing for, and why I have brought up this motion, as I said before, is not to destroy the treaty but to endeavour through the means of this honourable House to improve the treaty, and if we do, instead of most-favoured nation treatment in those twenty articles that are put there for export to France we should get the benefit of any relaxation of the McKinleyism of France. France, like the United States, will soon realize that prohibitory duties check trade and commerce and a more liberal policy may be inaugurated; to secure that in exchange for a like treatment is what I am fighting for, so that if France opens her markets to cheese, butter, cattle, or anything else that the western provinces of Canada and the agricultural districts of Canada produce, they may benefit from it quite as much as the industries that are provided for in this treaty. It is that there may be an equitable treaty all over the country and every one of us may be able to stand up and say that the treaty is acceptable to Ontario, Quebec, and to Manitoba, or any part of the country, that we will have something on our statute-books which will be of permanent benefit to the country. If we pass a treaty to-day that is as partial as this one proves to be, is it likely to stand? If Ontario, the most populous province in the country, shows that little benefit can be obtained from the treaty, how long do you suppose that treaty will remain in force? Is it not better that we should take this measure as it stands and try and negotiate a better treaty before it becomes law, and we, as members of this Parliament shall not be obliged to say after two or three years, we denounce that treaty as not being an equitable or just one for Canada? It is to avoid that difficulty that I brought this matter before the House because we have the power to remedy it in our own hands. It is a perfectly justifiable position for us to take. I have shown precedents where they have overthrown or referred the treaties back in France, Great Britain and the United States before they became law. It is quite within our power, it is no dishonour to our Government or to the Imperial Government, or the French Government if we say we do not think this treaty has been negotiated in accordance with the terms and policy of the Canadian people and therefore we wish to refer it back to see if we cannot get a treaty negotiated in terms in accordance with the policy of the Canadian people. When I say the province of Ontario is called upon to pay the bonuses that are knocked off those twenty articles, I say it advisedly, because it is the importation of wines that is going to be the countervailing benefit given by us to France in these twenty articles. Take this question of wine.

France has heretofore been obliged to pay 30 per cent ad valorem and 25c. a gallon specific duty. By knocking off the ad valorem duty we reduced the duties by about 50 per cent and the wine duties are attacked in this way. The grape of France contains a great deal more saccharine matter than the grape of Canada. That has been arrived at by a process of selection and development. Very much in the same way that by a process of selection and development the sugar beet has had its saccharine matter increased. In that way by great experience and long production, the French grapes possess a very much larger proportion of saccharine matter than the Canadian grape possesses and therefore contains a great deal more alcohol. The difference between the French and the Canadian grape is 5 or 6 per cent—that is the natural alcohol in the grape in consequence of the saccharine matter. Some hon. gentleman stated here this afternoon that the alcohol in our grape is about 8 per cent. In the French grape it is, I believe, 14 or 15 per cent. The 26 per cent is arrived at by adding alcohol.

Hon. Mr. DEVER—No, that is the natural alcohol.

Hon. Mr. BOULTON—I beg the hon. gentleman's pardon. I know what I am talking about.

Hon. Mr. DEVER—It is the natural alcohol produced by fermentation.

Hon. Mr. BOULTON—The natural alcohol in the two grapes is produced simply by the greater saccharine matter in the grape. In order for Canada wine-growers to equal the saccharine matter of the French grape, they have either to put sugar into their wine or to put alcohol into it. One is about as expensive as the other. Probably sugar is the dearer, but at present they do not put alcohol in, they put in sugar. What they are asking us to do is for the Government to reduce the duty on alcohol in order that they may be put on a par with the French growers. France has the right to put alcohol into her wine by taking it out of bond free of duty. She pays no duty whatever, so that when she sends wine to this country she sends it with 5 or 6 per cent more of natural alcohol in the grape itself and the additional alcohol necessary to increase it to 26 per cent is free of duty. That will place our grape growers at a considerable disadvantage so far as that is concerned. I am one of those who thoroughly believe that competition is the life of trade and that any competition our wine-growers may be subjected to will stimulate them to produce an article which perhaps may be a different class of wine, but one from which they may still benefit. I believe that any increase in the consumption of light wines, as has been already stated this afternoon, creates a taste, and probably the wine grower will not, so far as the importation is concerned, suffer, but they will suffer under these conditions: if free alcohol is not given them in order to make it up to the strength that French wine contains. When we drink wine it is the alcohol we apparently want—at least as much of it as we can get. That is the truth. Spain negotiated a treaty with England in 1886 to allow their wines to be admitted into Great Britain with an alcoholic test of 30 per cent. She gave Great Britain most-favoured nation treatment in order that she might have the privilege of increasing the alcohol in her wines to 30 per cent. That shows the value to the wine producers of getting their alcohol free for their wines. You may take it for granted, if the wines are to be sold in competition with our own wines in order to get that percentage of alcohol, it will be necessary to supply our wine-growers with alcohol free of duty, the same as the French wine-growers get it in France. As the hon. leader of the Opposition stated this afternoon, he showed by the Trade and Navigation returns that France imports more wine than she exports. She buys wines abroad and fixes them up and exports them as French wine. That is one of their industries. One of the representatives at the Intercolonial Conference from Australia the other day told me that they send large quantities of wine to France as low as 15 and 20 cents per gallon, and there it is made up into French wines and exported to every part of the world. That is where the Canadian wine-grower is going to pay for it without any other agricultural industry receiving any benefit from it. However, I do not wish to continue my remarks, because it is late in the evening, and I do not wish to impose my views on the House any more. I have brought this question before the Senate as a member from the

province of Manitoba, because I can see no benefit likely to accrue to the people of the North-west by the negotiation of this treaty under the present arrangement, and it is my duty to point this out to hon. gentlemen who are responsible for the passage of treaties of this kind. I have no doubt that there are gentlemen from the province of Ontario who can state the same thing for that province, but it is my duty, at any rate, to point it out from the standpoint of the North-west, but if it were put into the treaty that in consideration of our admitting wines on these conditions that we have most-favoured nations treatment for all the commerce going from this country to France, we might some day send our cheese, wheat and other agricultural produce, and when the treaty is in process of ratification is the time for us to secure an equality of benefits, any change in the treaty hereafter will require fresh legislation not easily obtainable. Whenever France gets tired of her McKinley Bill, and feels that in order to increase her trade she must diminish the duties on certain articles, then whatever privileges are accorded to other nations will be granted to Canada, but as this treaty stands it will be of no benefit to the North-west Territories, no matter what may be developed, unless it is under the most-favoured nations treatment in all commerce.

Hon. Mr. KAULBACH—If I could be surprised at any of the remarks of the hon. gentleman, I would be surprised at the speech he has made to-day. He has posed in this House and before the country as a free trader and argued that we should frame our tariff on those principles irrespective of every other consideration. He has said: cut down all our tariff barriers regardless of the protective policy of other countries. To get a large share of the products of other countries we should declare for free trade as England has done. Our tariff decreases and repulses the trade with other countries. That has been his theme on every possible occasion. I would ask the House whether his remarks to-day are consistent with that policy. The hon. gentleman interjected a remark to-day, when my hon. friend the leader of the House spoke to the effect that this is a free trade measure, and yet my hon. friend now would denounce this treaty although its object is to extend our trade with the highest protected country in the world, which, with her colonies, has a population of say sixty millions against our five millions, is not that alone of immense consideration? It is the first time Canada has had a free hand to exercise the treaty-making privilege. I do not by any means entirely approve of what our envoy has done. It is unfortunate that we should be handicapped by article 2 of the treaty, by which any advantage we give to any third power we must give to France, whilst that country limits such concessions to the twenty articles contained in the schedule to article 3. We can be thankful for this much at least, that it leaves us a free hand in trade with our empire and every colony thereof. Our representative made the best treaty he possibly could. We know the character of our High Commissioner and also of the British Minister to France. We know that our High Commissioner has indomitable energy and generally accomplishes all that he undertakes. What will be the effect of refusing this treaty? It will be a slap in the face to our representatives. Have we any chance at all of getting another treaty if we refuse this? My hon. friend gave us precedents for not confirming treaties made by other countries. They do not meet this case at all. He showed us a treaty made between Switzerland and France which was repudiated by the latter power. He ought to have gone further and shown us, if he could, that a better treaty was afterwards negotiated.

Hon. Mr. BOULTON—We never get anything without trying.

Hon. Mr. KAULBACH—Yes, but trying to repudiate places us outside of the chance of getting better terms. Those people have tried and have failed. In regard to the treaty between England and Spain we know very well that there were only negotiations for a treaty—there was no treaty signed. When Canada wanted to get into the West Indies on equal terms with other countries and was refused, negotiations were broken off; no treaty was signed. You never find England repudiating a treaty after it has been signed by her plenipotentiary. If my hon. friend has failed to show by history, example or a solitary precedent that by repudiating this treaty we could get a better one, then, in harmony with his free trade proclivities, he might have had some show

of reason for the position he has taken, but he has signally failed to do so. My conviction is strong that if we attempt to dishonour our representative in connection with this treaty and refuse to ratify it, we will be placing ourselves in a bad position. France has signed the treaty and we would be showing France that they could have no faith in us now and in all time to come, we might for ever knock in vain. Although our Minister technically stepped beyond the bounds of his instructions, France is not to blame for that. We are in honour bound to sustain the treaty, and if, after putting it into force, we find that it is not a treaty favourable to us, we can with good grace honourably ask France to extend the treaty, and if France fails to do so, we can with perfect propriety withdraw from it with honour to Canada.

Hon. Mr. POWER—If this assent of the Parliament of Canada, which is stipulated for by the terms of the treaty itself, is a mere matter of form, as the hon. gentleman suggests—if Canada is in honour bound to assent to the treaty whether it is good or bad, why go through the empty formality of making Canada a party to it? Could not the Imperial Government, if they entertain the views of the hon. gentleman, have negotiated a treaty and said: "There is no object in referring it to the Canadian Parliament, because they are in honour bound to assent to it."

Hon. Mr. KAULBACH—England for the first time has given us a free hand to make a treaty in our own interest.

Hon. Mr. POWER—No.

Hon. Mr. KAULBACH—My hon. friend surely cannot say no to that. It is the first time that Canada has had the privilege of a free hand to make a treaty.

Hon. Mr. POWER—What about the treaty of Washington?

Hon. Mr. KAULBACH—My hon. friend knows that there is a difference between this treaty and that. Having made a treaty and failing to endorse here what has been done by our representatives, it would for ever prevent us having such a right accorded to us again. My hon. friend talked about sentiment carrying this treaty. I am a great man for sentiment. I believe it is sentiment which distinguishes us from the lower animals. If sentiment has had any influence in this matter, it has been for good. My hon. friend says that the merits of the treaty were lost sight of. I would refer him to the debate in the other branch of Parliament. About the largest vote that has been taken this session in the other House was on this very treaty. The treaty was supported not only by the Government and its followers but also by the Opposition and his squad of followers in that House. My hon. friend should not talk as he did after such a vote as that headed by the leaders of both parties. No matter how distasteful this might be to me, I should to some extent yield my private opinion to the judgment of those parties. If the leader of the Opposition felt that he could make political capital out of this matter, if he felt that he had the people of Canada at his back in repudiating this treaty, where would he have been? Would he have supported the treaty? No; but he believed that it not only was in the interest of Canada, but that it had the support of the majority of the people. My hon. friend says he has no intention to destroy this treaty. He has taken the most effectual way to destroy it, from what he has shown us himself. A treaty with a large power like France, is no unimportant matter. We know that France is one of the highest protective countries of the world. No other country adheres so strongly to a protective policy as France, and the nation has grown and prospered under it.

Hon. Mr. POWER—It does groan under it.

Hon. Mr. KAULBACH—Does the hon. member venture to say that that country is groaning under its protective policy? Look at France. Where can you show a country that has prospered to such an extent? A few years ago she was at the mercy of Germany, a portion of her territory had been taken from her, and an immense war debt was incurred. She has not only paid off that great debt, but is now lending to the world. France has grown to be a strong power in her armaments and in her finances. No other country can show such a record under like circumstances. When

we can make a treaty, which is an entering wedge, with a country like that—a treaty such as no other country has yet made—when we can get the advantage of trading with 60,000,000 people, there surely must be some benefit to result from it to our country. Let us look at this matter in an impartial manner. We have not got everything that we expected in this treaty, or as much as we ought to have got. The only way to get more is by taking that treaty and trying it and if it turns out well it is to our benefit. If it turns out a failure then we can honourably give notice and have it cancelled. If this treaty were for all time to come to be confined to those few articles, I should support it with some hesitancy, but I believe it is only the commencement of a large trade between the two countries, a step in the direction of an extended trade with a great and mighty country highly protective and prosperous, and is an earnest of better things to come and even should our sponsors have promised to our loss—let us make their promise good—and I firmly believe that in the end we will profit by that course. I would rather have articles from France which would benefit the mass of the people: I would prefer it if France could give us articles which would be used by the labouring classes, but it was impossible for them to give us anything of the kind. They have given us the wines of their country, and I believe that will be a benefit to us and to the wine producers of Canada. It will show them the qualities of wine which are popular. It will give our people a taste for light wines and will have the effect of changing the people's tastes and instead of using strong alcoholic drinks they will take light wines. It is the case in France, Italy and other wine producing countries. I have travelled through those countries for months and have never seen a drunken man. I never knew what water was in travelling through those countries for months and months; I would never touch the water. I used what every one else used—light wines. I believe if we had those wines in this country it would be a benefit to every class of the community. Up to the present time only the wealthy could afford to drink them; now they will be within the reach of all classes, and in the end it will benefit the wine growers themselves, and reduce drunkenness and the craving for strong drinks. Notwithstanding the introduction of cheap French wines, I believe there is a sufficient inducement for our own wine growers to continue their industry. We cannot import wines from France as cheaply as we can produce them in this country. I get excellent wine from Pelee Island for about $1 per gallon. It is splendid wine—if properly heated and kept long enough for to refine and mature, I would not want any better from France. I am sure our country will profit by this treaty. More wine can be used and our people can produce wine just as cheaply as it can be imported from France and the duty still remaining on imported wines will be a sufficient protection for our own industry. I admit that we are not favoured under this treaty as much as we ought to be. We cannot get the benefit of the French market except by direct shipment. That is a drawback. France can send her products to us in any way they think proper, but we are handicapped to a large extent.

Hon. Mr. ANGERS—Everybody is.

Hon. Mr. KAULBACH—Yes, I believe so. We are not in a worse position than any other country, but at the same time it is not fair that we should be limited in this way while if we make a treaty with another country we are obliged to give them the benefit of it while we are limited to the articles contained in the schedule before us. Apart from that, I believe that the treaty is a great deal in our favour. Take lumber, for instance. In our Maritime Provinces if we get $1 a thousand more for lumber, it is certainly so much more profit to our people and lumbering is an industry not confined to the lower provinces—the like may be said of staves. Last year, France put on a heavy tariff, and made a minimum tariff about as high as their highest tariff had been, and yet they have the privilege of raising their tariff, both minimum and maximum, if they think proper; but I think that notwithstanding the high tariff, we have the benefit of the minimum tariff, and when we could export to France last year, or the year previous, under the very high tariff, what will we not be able to do when we come under the minimum tariff? We sent last year $134,000 worth of lobsters; of deals and lumber, $110,000; canned meats, $1,362, and dried

apples, $1,400 worth, which, with other of the 20 articles enumerated in article 3 amounted to $265,000. And now, when we come under the minimum tariff, I cannot say how far that trade will be extended, but it is quite sure to be increased. Canada is one of the best apple growing countries in the world. We can send apples to London and compete with any other country, and why cannot we do it in France under the inducements now hold out to us? Under this treaty apples and pears, dried or pressed, are admitted, and last year we sent them, under the high tariff, to the extent of $1,400 worth. Then we have lobsters. We know what an inexhaustible quantity of lobsters we have in the Maritime provinces if properly cared for and not indiscriminately slaughtered or destroyed and the limited market for them. But under this treaty where is the country that can compete with us? Not another country in the world. We have that market entirely for ourselves in the lobster business, and under this treaty the demand for them will exceed our power of production, although the fecundity of the lobster is very great if properly cared for. Then there is the condensed milk. I do not pretend to judge of that. No doubt we will be able to send some.

Hon. Mr. BOULTON—Live eels.

Hon. Mr. KAULBACH—I do not know about eels. They may not be alive. I think my hon. friend has an eel creek in Manitoba. We do not know what productive power they have up there and I would not be surprised if my hon. friend would turn his attention to that industry, and as it appears they must be fresh water eels he may have a large share of the business and he might make more out of it than out of his farm. Then there is the wood pulp. We manufacture pulp, and in that line have advantages over other countries. I am surprised that the Government allows the export of our timber to the States to be made into pulp, while the States put a heavy duty on our pulp. We are simply helping them to supply their own market and England. We will have a market for this in France which the United States have not got, because I am informed that under their treaty with France pulp is not free. If so we will have a market not only in England where we now compete with the United States, but we will have France entirely to ourselves, because we are the only country that makes pulp to any extent. I think therefore we will have that market exclusively to ourselves. We exported $134,000 worth of lobsters to France last year under the maximum tariff, and if we can do that I cannot venture to say to what extent the trade can be increased under the minimum tariff proposed under this treaty. We will take this treaty with the hope of something better—as an earnest of better things to come. We are pledged to this treaty. If our plenipotentiaries have gone beyond their powers in any way, which I am not prepared to admit, we should not reject this treaty on that account. Let us visit our agents in some other way and not in consequence of their acts, violate a treaty which is pregnant, I believe, as an entering wedge with so much good in the future. Let us act reasonably in this matter; let us act towards France with honour and integrity, feeling that though we may not have got all that we might have under this treaty, we will take it in the belief that France will act honourably and fairly in this matter. If we show them that they have not opened up sufficient intercourse, or that the treaty is not fair and equitable, they will see the benefit of the trade and extend it. Should they fail to meet us in that spirit, we can then with honour and dignity retire from it and feel at the same time that we have not lost the honour which a Canadian ought to have.

Hon. Mr. DEVER—I feel that this treaty is in the right direction and I am not one of those who would feel disposed to throw suspicion, or a feeling of doubt, on our plenipotentiary, Sir Charles Tupper. We all know that Sir Charles Tupper is one of the first of our statesmen, that he is a patriot and loves his country. He is not one of those who would be a party to a treaty that would do injustice to his country. That very fact alone carries such weight with me that I feel it should carry also conviction to the heart of every member of this House. He had the assistance of another statesman, a man who also loves Canada and spent some of the best of his days in this country, a man whom you all know and whom Britain trusts as her worthy representative in France, Lord Dufferin. These two gentlemen no doubt consulted with each

other, and in the depth of their wisdom concluded a treaty with France as satisfactory to them as they could obtain, and those who have studied the trade of this country will be satisfied that the treaty is one of great importance to us. I have heard no argument against this treaty that would convince me that my opinion is wrong ; on the contrary, not only are we obtaining great advantage from it, but we are giving very little in my opinion in return. We know that the people of this country trade with France. They purchase wine and the several articles mentioned in this treaty, and heretofore they have had no particular advantage. Now matters will be changed. We will have the benefit of sending to France under this treaty goods that we produce extensively in this country, the trade in which will be very profitable to our citizens. I have no doubt we will have a large trade with France, because she is not the country she was ten years ago. She is one of the most prosperous and progressive nations in the world to-day. She is spreading her power and her trade and her influence through the colonies and in a very short time it will be a proud position that we will hold when we have an opportunity of trading with France on the advantageous terms offered in this treaty. Some honourable gentlemen seem to think that we should not accept this treaty because we manufacture a small quantity of native wine. Well, I am in favour of everything that is profitable and beneficial to our country. I believe we should manufacture wine if we can, but I believe also it is better we should allow certain things to remain in abeyance than to attempt to do that which is impossible. I hold that it is an impossibility to make this a wine producing country. Our grapes in this country are not of the right nature for producing wine. A grape to produce wine abundantly, and of such a nature as to have a native alcohol in it to enable it to be shipped to foreign countries, must be largely filled with grape sugar. Grape sugar is the basis of brandy and all other spirit is made from sugar, but especially brandy. Hence it is that brandy is the most pleasing spirit of any to those who use it. We also know that in consequence of France producing this rich grape, full of sugar, she produces a rich wine that developes alcohol by fermentation. It produces alcohol in the native wine that sustains it and keeps it from being unfit for storage. In consequence of that, the longer you keep French wines in stores and in cellars, the more valuable they become and hence it is that the world prefers French wine. It has been said by an hon. gentleman that France imports more wine than she exports. I have not examined the official returns of France, but I would infer from that statement that France being a vast country should naturally use other wine than her own. She uses the light Moselle wines of the Rhine ; these she must import, and consequently they appear in her importations. She would also import the rich sherries of Spain, the Montelardo, and import from Portugal the rich port wine, and these would swell the volume of the importations of France, but at the same time we know that France grows a larger quantity of wine than she is producing at present. It is only because she has not an extensive market that she does not supply the world with wine. But, hon. gentlemen, we have a treaty before us here, and the trade with France is, I suppose, the most important thing to us. I find that we can send them canned meats. Why cannot we manufacture canned meats as well as other people? We know that in the United States it is a great industry, and they supply Europe with canned meats. Why should not we also have the privilege of sending condensed milk? We might as well send milk as send butter or cheese. We also can send fish preserved in their natural form. I presume these are the small fish known as sardines, put up in the lower provinces. It is a very extensive industry : I do not know how much can be realized by putting up sardines in the Bay of Fundy. Then we all know that the canning of lobsters is an industry which can be carried on to any extent in this country. I do not know of any country that has the fishing privileges and advantages that Canada has for lobsters.

Hon. Mr. POWER—You have to send them in their natural form.

Hon. Mr. ANGERS—No, that is not the meaning.

Hon. Mr. DEVER—Then besides lobsters there is the item of crayfish preserved in their natural form. We can also send them apples. We know what a trade the United

States do in apples. We know they send them green to foreign countries; we also know they preserve them and dry them in vast quantities. Why should we not do so? Then there are fruits preserved; building timber in rough or sawn. Everybody knows that we can send building timber and timber of every kind as no other country can. The only trouble is that we have not had a market in the past. Here is an offer given to us of a new market. Are we not to take advantage of it and get an extended footing in that country? I think it is our duty to do so, and I think we will do so. As to staves, everybody knows that we can send staves in ship loads and we have any number of ash trees in this country. All we require is to manufacture them into staves and ship them. That is a most excellent industry and there is no reason why we should not extend it. Wood paving: every member of the Senate knows that our wood paving and our cedar blocks are the finest in the world, and there is no limit at all to the quantity we can send. Then there is wood pulp; surely we can supply that and it ought to be considered a great advantage to have a new market for it. Then there is extract of chestnut and other tanning extracts. We know that we have thousands and thousands of acres of wood producing that, and a vast industry can be made of it. So it is with every item on that list. And it is one of the greatest offers that we have had in the 25 years that I have been here. For the last few years we have been talking about our extreme desire, but somehow we never came to arrange it before, to open a trade with France. It has been often discussed and anxiously put forward in this House, but until Sir Charles Tupper, our representative, developed it in the shape of a treaty, we never had an opportunity of opening up this new and vast trade. Another argument used against this treaty is that it would take the burden of taxation off the rich and place it on the poor. I pity the country governed by men who argue in that way. The poor to-day have to pay some 900 per cent duty on whisky, whereas they never can taste champagne, because it is above their ability to pay for it. But now they will get an opportunity to substitute wholesome wine of its own natural strength—not with alcohol infused into it. We have heard from gentlemen who speak on behalf of other wine-growers, that they cannot make their wines unless we permit them to put alcohol into them. Now, if they can only make wine by infusing alcohol into it, surely it is our duty to see that the people of this country are not poisoned by drinking alcohol in that form. If we can produce a wine with native alcohol, I have no objection to it. Before concluding my remarks, I wish to rebut another statement which an hon. gentleman made. He said that he assumed that French wines were fortified with alcohol. Now I deny that. It is true there is a native alcohol in them, but it is more the nature of brandy than alcohol, because brandy, you are aware, is spirit distilled from wine, and consequently it is a very different spirit from the alcohol made on this continent out of raw grain, and hence poisonous, because it is not made in a way to be wholesome. I regret that such false statements are made—statements that certainly will not bear the examination of experts, and sent abroad from this Chamber against the wines of France. I believe that the wines of France are made from the native grape, which is full of sugar, producing alcohol simply by fermentation, not by infusion.

Hon. Mr. BOULTON—Does it produce 20 per cent.

Hon. Mr. DEVER—I do not think the hon. gentleman knows what he is talking about. Will the hon. gentleman tell me whether it is 26 per cent of alcohol or 26 per cent of proof spirit? The degree of alcohol is simply 26 per cent of proof spirit; that is only about 13 or less than 13 per cent of alcohol. So that you will see at once the native champagne of the champagne country, and the light wines of France, such as Hock and Sauterne, do not possess so much alcohol as that, but whatever is in them is native and wholesome. Therefore I vote for this treaty, believing it is one of the greatest opportunities given to the people of this country to extend their trade, instead of being restricted, as they have been in the past, with chain cables across our harbours preventing trade with other countries.

Hon. Mr. DRUMMOND—This subject has been so fully treated by the leader of the House, and by subsequent speakers that no further speech is particularly required,

and I shall not presume to occupy the time of the House with anything in the nature of a speech, but it appears to me that the subject has been treated by some speakers in such a way as to darken wisdom through much speaking. The simplicity of the bill has been objected to by the hon. gentleman whose motion we have now before us for consideration. I find myself in accord with him to this extent, that he substantially, in his motion, does not find fault with the treaty nor with what it contains, but objects more decidedly to its extent, expecting and claiming that something on a wider and larger scale should be aimed at and obtained. If you apply to this subject the ordinary rule of common sense, it will occur to every man that to reject this treaty on the ground that it is insufficient in extent would be a very false position for this country to assume. We would put ourselves very much in the position of a mercantile man who desired particularly to open business relations with a powerful neighbour. If he went to that man and by dint of pertinacity and assiduity in business obtained from him an order for a specific quantity of goods, what would you think of his discretion if he should "considering the size of your establishment, sir, the order you have given me is entirely insufficient and I will either not accept it or I will reject it unless you double or treble it right off?" I would say that his perspicacity and his business judgment were of the lowest order. If he were a wise man he would say "this is the opening, this is the entrance of the wedge, we will accept this and prove it to be a working arrangement, and then we can extend it." The treaty, as it is submitted to this House, is extremely simple. We have had the most affecting language used as to committing ourselves to this most-favoured nation clause, when all that is involved in it is simply this, that if it does not suit us we can nullify the whole thing on giving twelve months' notice. I do not like the favoured nation clause, but it takes two to make a bargain, and if I cannot get all I want I take all I can get and do my best to extend it. Now this favoured nation clause cannot hurt us. There are at present no favoured nation entanglements which this clause will stand in the way of, and if they should arise in the future we can terminate the whole favoured nation clause on twelve months, and how can we possibly suffer? The objection which our Government and which we all had to this favoured nation clause, and the reason, which no doubt was correct, for our Government urging the plenipotentiary against the acceptance of this particular clause, was this, that we had been assiduously denouncing the most-favoured nation clause because we found it, in the case of the mother country, an obstacle in the way of having closer relations with her. We have been in our communications with the mother country denouncing the favoured clause, and urging upon her to abolish it in the case of Germany and other European nations, and how could we in common sense commence our treaty-making relations with others by accepting it ourselves. No doubt the position was hard, but for my part I would say that that is not the slightest obstacle at all. It may be advantageous, or it may be the contrary. If it prove to be the contrary we can stop it. Now, with reference to the remarks of the hon. gentleman of the Opposition in his introductory speech, nothing struck me more than is falsity—I have not the slightest intention of imputing falsity of motive, but I say there was an air of unreality running through the whole of his argument, for a considerable portion of the time he was speaking, he might as well have been arguing for the treaty as against it. One extraordinary perversion of the position which ran through the speeches of the hon. member from Ottawa and the hon. member from Marquette was a contrast between the articles which we admitted from France and the articles which France admitted from Canada. One expression which fell from the hon. member from Marquette struck me as amusing. He said there was only one article on the French side against 20 on the Canadian side, as if we were going to make a present of 10 articles in exchange for one, forgetting entirely that the admission of French wines is the purchase money which we pay to the French nation for the admission of 20 articles of ours.

Hon. Mr. BOULTON—That was my statement.

Hon. Mr. DRUMMOND—It seemed to me most amusing that that should be permitted for one moment to enter into the argument of these hon. gentlemen. I had not previously attributed to the hon. member

from Ottawa the faculty of an expert in wines and liquor more especially of the finer description, but I must concede that to him now. His argument on that point was so strong that I registered an inward resolution that I would be very chary about drinking French wine. If the influence of the hon. member from Ottawa goes to the extent of deterring any considerable part of the population of Canada from the consumption of French wine, who is going to suffer? Not ourselves but the French. They will find that they have got the worst of the bargain, that the importation of French wine into Canada is going to diminish, and let us hope that the exportation of Canadian products will not share that fate. But there was another point in which one would suppose that the hon. member from Ottawa was confident that the process of the exchange of products under this treaty was to be one of barter, that we were to send lumber, fish, canned meats and so on, and take payment in wine. That is not the process. Each man will ship, and will get payment in good hard cash, and if we do not take the wine so much the worse for France. Now, a gentleman with a good faculty for collecting statistics can prove anything. The hon. leader of the Opposition stated that only $264,000 of all Canadian products entered France in a certain year; the hon. member from Marquette showed that $400,000 of lumber alone appeared in the imports of France. He explained that by stating that that valuation included freight and duty. How can it be possible? I maintain that by statistics you can prove anything. All that you can hope to gather from statistics, unless you read them with the care and with the hesitancy of a business man, is to get an approximation to the truth, and if you choose to bear them out to the last fraction, and more especially deal with them in a partizan spirit, you can prove anything.

Hon. Mr. TASSÉ—Do you refer to Canadian statistics?

Hon. Mr. DRUMMOND—No, I was referring to the quotation made by the hon. member from Ottawa from Canadian statistics, and the quotation made by the hon. member from Marquette from French statistics—$264,000 as against $400,000.

Hon. Mr. BOULTON—My average of $400,000 was the average for seven years prior to the adoption of the maximum and minimum tariff.

Hon. Mr. DRUMMOND—That does not affect the argument.

Hon. Mr. BOULTON—Yes, the figures that were quoted by the hon. member from Ottawa were the figures of 1893 after the maximum and minimum tariff.

Hon. Mr. DRUMMOND—But it is reasonable to suppose they would not leap in such an extraordinary way as that.

Hon. Mr. BOULTON—Yes, because the quotation he was making was under the maximum tariff and mine was before the maximum and minimum was established.

Hon. Mr. TASSÉ—That is not the point I wanted to make. I wanted to know whether the statistics were from France or Canada—because there is a vast difference.

Hon. Mr. DRUMMOND—The hon. gentleman from Ottawa quoted Canadian statistics and the hon. gentleman from Marquette quoted French statistics.

Hon. Mr. TASSÉ—Our exports of lumber to France are reduced by more than one-half according to the statistics of France, which are acknowledged by Sir Charles Tupper as being most accurate.

Hon. Mr. DRUMMOND—There was a suggestion made by the hon. gentleman from Ottawa which I think was scarcely fair. To judge by what he said one would suppose that this treaty had been made for the benefit of champagne drinkers in this country to obtain a rebate of duty for their own benefit, and that they were willing to sacrifice the interest of the country for that purpose. Now I venture to think that the Government have not had representations from drinkers of champagne or fine French wines to that effect, and I, for my part, declare that such a motive, if it entered into the question at all, was beneath the contempt of any Government. The fact is that the entrance of French wine is the price which the French Government demand for the concession they are making, and they have a right of fixing their price as every seller has.

Hon. Mr. ANGERS—They have been demanding that for ten years.

Hon. Mr. DEVER—Was it to get cheap champagne Sir Charles Tupper and Lord Dufferin made the treaty?

Hon. Mr. DRUMMOND—The member for Marquette went a little further than that and suggested that whatever advantages would follow to Canada from this treaty might accrue to the Maritime provinces and to the province of Quebec, but none of it could go to the province of Ontario. Now I deprecate in advance the creation, in such a question, of sectional interest at all, and I maintain that the attempt is not only a wrong one and should be frowned down, but in this particular instance it is not justified by fact. I look over the list of articles of Canadian origin which are to go into France, and I should say that quite a number of them are just as likely—in fact more likely, to come from the province of Ontario than anywhere else. I will quote for example condensed milk, apples, staves; I happen to know that nearly all the staves which are used in the Maritime provinces and in the province of Quebec at this moment come from Ontario, and I cannot see why furniture should not also. I know that nearly all the furniture which is imported and used in Montreal and in the province of Quebec is manufactured in the province of Ontario. I submit the suggestion with deference—because a man may go wrong in even saying things that he imagines to be perfectly true—judging by what I know of business matters, I should say a very large share indeed of the advantages of this treaty is likely to go to the province of Ontario, and if it did not, I hold that the province of Ontario has no legitimate right to object if it is for the general interest of the Dominion. I was struck particularly by one of the arguments advanced by the hon. leader of the House—it was that part relative to the weighing of the purchase money on either side of this bargain. He said we had purchased admission to the markets of forty millions of people who had only got in return the markets of five millions. It is impossible to overstate the importance of that argument. If that be so, I have the gravest possible doubt, whatever action this honourable House may take, whether the French Government will be prepared to ratify this treaty or not. The hon. member from Ottawa showed how simple it would be to say, now we do not want your treaty. To my mind for a small community, comparatively speaking—a small power if you choose to call it so—such as Canada, to apply to the Government of one of the greatest powers in the world for a treaty, to carry it on to the last point and then to say we do not want it, would be an intolerable insult and a piece of impertinence. While, on the other hand, there is in the treaty itself a clause which would make it easy for us to say at the end of any period we chose to elect, this business does not suit us for reasons which we will state to you if you want to know them, and we wish to terminate it. In the one case it would be an insult of the first magnitude which would for ever, so long as the memory of it lasted, put an end to any attempt to get a treaty of any kind. I cannot conceive of any process whereby a treaty with France could be more effectually put an end to, not only for the present time but for all the time of this generation at least, than to reject this treaty. I know perfectly well that when this treaty came out there was a natural amount of doubt about it, and expressions were used in the House of Commons which, I dare say, were far from wise. The treaty bears on the face of it objections which are patent to everybody, but I am glad that our Government has come to the decision to ratify it provided they can carry with them the assent of this hon. House. They would have stultified themselves and committed a fault of diplomacy which I should have considered fatal, if they had taken any other step. We heard to-night that the French Canadians in our deliberative bodies were united on this question. I am not surprised at it. Through the magnanimity of the mother country, one of the most magnanimous towards its colonies that the world has ever seen, we have been carried to the door of a successful entrance into the markets of France, one of the great nations of the world which I for one respect, and why should not the French Canadians wish to carry it to a termination? I think this House will do wisely to ratify the treaty which is now before us.

Hon. Mr. POWER—I do not wish to make a speech, but I wish to ask a question for information. We are told that certain gentlemen who are familiar with the lumber interests are present in the Senate, and as

those gentlemen do not often favour us, it has occurred to me, as they have come for the special purpose of taking part in the debate, that we ought to hear from them. We should not have the question put until we have heard from them.

Hon. Mr. BURNS—As this is a challenge to me, I am not one of those to refuse to take it up. Whether or not I came here for the purpose of speaking on the subject is a question which I do not consider that I am bound to enter into.

Hon. Mr. POWER—My remark was not directed exclusively to the hon. gentleman. There is another member of this Senate who is connected with the lumber interest who is also present.

Hon. Mr. ANGERS—We thought the reference to one was improper: there are two now.

Hon. Mr. BURNS—I said I was not one of those who was composed of such material that I would decline to accept a challenge, and I was going on to say that whether I came here or not for the purpose of taking any part in this debate is a subject which I do not feel called upon to enter into. I came here to discharge what I presume we have all come to discharge—a public duty. That is what we are here for. The lumber trade has been referred to in a particular manner, and as I happen to have some practical experience in that business, perhaps it would not be amiss in me to take up the time of the House for a few moments in order that I may state the bearing the operation of such a treaty as is now proposed would have upon that interest. I will not attempt to deal with the question too much, if to any greater extent than to present my views in relation to it in what I might be justified in saying in a practical way, but before doing so let me say this, that the opposition to the treaty, so far as I have been able to ascertain from the observations I have heard, have come first from those who view the question from a temperance standpoint. Next from those who view it from the standpoint of the wine-growers' interest in Canada, and next from those who view it from a sentimental standpoint, and also from those who view it from the standpoint that our plenipotentiary, Sir Charles Tupper, did more than he was authorized to do. As regards the temperance aspect of the question, the wine-growers' interest and the sentimental aspect of the question, these have been disposed of by the hon. gentlemen who have preceded me. I will simply add to what has fallen from the lips of some hon. gentlemen my statement as to the effect of the consumption of wine, I do not speak from the experience of a drinker of wine so much as I do from having observed the character of the people living in wine-producing countries. In France where wine is to the people a beverage as natural almost as water and milk are to the people of this country, it is very rarely that a drunken person can be seen. I have travelled through France many times, and I can say that never once in all the journeys that I have made through that country, have I seen one person under the influence of drink. The *vin ordinaire*, or other wines, are placed on the table for every guest in the restaurants, hotels and private houses, as a matter of course. I think that is one of the best proofs that could be adduced that the drinking of wine or placing it within the reach of the masses of people does not lead to anything that might be called drunkenness. With regard to the interest that the wine-growers of Canada have in this question I will only say this—they have an interest the same as those who are engaged in all other industries of the country. That interest, of course, is entitled to every consideration and to every proper treatment, but this question must be viewed, and I am glad to see it is being viewed, from the standpoint of the general interest of Canada, and not from the standpoint of any particular section of the country. If we were to view questions from a sectional standpoint, we would be found arrayed against each other on almost every question affecting the financial interests of Canada that might come before us. If we were to view the question from that standpoint, the Maritime provinces might say with great force, and certainly with great truth, that they as a body have discharged their duty to the country generally by accepting a policy which, as is maintained by very many, contributes more to the interests of the western sections of Canada than it does to the interests of the eastern sections of Canada; yet because we believe that the interests of Canada as a

whole are benefited by that policy we give it our support. With regard to the interests in cultivating the vines and the making of wine, I ask them to consider whether the capital invested in that industry is as much or nearly as much as that invested in the industries which will be benefited by the operation of this treaty should it go into force. I have not looked into the statistics, but I venture to make this statement, that there is double the capital invested in the lumber industry in Canada than there is in the wine industry, and surely that interest is entitled to receive consideration, not only because it is a very large and important industry itself, but because the carrying on of that industry benefits every section of Canada, It is well known that in producing lumber the main cost of the operation is in the labour. We do not have to import raw material at all. We have it standing in our forests. It takes labour to convert it into a marketable article. In the production of that lumber, in the province of Quebec mainly, as distinguished from Ontario, in New Brunswick and in Nova Scotia a very large number of people are engaged. They are consumers of what Western Canada produces. They have cheerfully borne, in the discharge of what they believe to be their duty, heavy imposts upon that industry for the special benefit of Western Canada. Take the article of pork, which enters very largely into the cost of producing lumber, and what do we find ? That it is taxed to the extent of something like $3 per barrel, and as it is with pork so it is with flour. Instead of our pork and flour coming from New England ports we get it from Ontario, and so I might enumerate article after article which Ontario supplies in order that this lumber may be produced. I am not speaking now of this impost with any hostile ideas regarding it, but simply to point to the western gentlemen who oppose this because of the wine-growing interest, that it is to their direct interest that this lumber industry should be fostered. The larger the market is the larger will be the market for western producers in the eastern market. As regards the next objection, the sentimental one, it is hardly worth while taking up the time of the House in dealing with it, and I will come to the last objection, that is that Sir Charles Tupper, our representative did what he had no authority to do—in other words, that he had exceeded his authority. I have heard more than one hon. gentleman make that statement, but I have failed to hear any proof adduced of the fact.

Hon. Mr. POWER—Did the hon. gentleman put wool in his ears at the time the proof was given ? I heard it read distinctly.

Hon. Mr. BURNS—No, the hon. gentleman did not put wool in his ear. He heard everything that was said, but he failed to gather from it that meaning which the hon. gentleman seems to have got from it.

Hon. Mr. BOULTON—I find the following cable to Sir Charles Tupper in the Sessional Papers :

*Re* French negotiations : Government cannot accept conditions regarding steamship subvention and reduction duty on French books, but agree to most-favoured nation treatment so far as articles named in treaty are concerned ; they agree to other conditions in return for minimum tariff on articles named as regards France and St. Pierre and Miquelon ; this subject to your view as to effect on proposed Spanish negotiations.

Hon. Mr. BURNS—I still fail to be convinced. The objections set forth in that despatch, so far as I can gather from hearing it read, are to the incorporation of something relative to books and fast steamers. I do not think that he or any one can find any allusion to those subjects in the treaty before the House. I take issue with those who say that Sir Charles Tupper exceeded his duty. I at all events believe that Sir Charles Tupper kept strictly within the line of his duty ; I believe that Sir Charles Tupper, who has been so well eulogized by an hon. gentleman opposite, discharged his duty not only well but wisely. I am one of those who believe that Sir Charles Tupper, with the courage of his convictions that he always has, and with the ability that he is well known to possess, was able to get for Canada this treaty on a good, sound, business basis. I believe Sir Charles Tupper kept the Government of Canada informed as to the progress of the negotiations, and that with the exception of what I believe was the last article decided on, full authority was given Sir Charles Tupper to conclude that treaty. The last section reads :

Any commercial advantage granted by Canada to any other power, especially in tariff matters, shall be enjoyed by France, Algeria and the French Colonies.

That article was agreed to, as I understand, because it was considered the usual

and proper article in connection with the negotiation of a treaty. The objection to that article, so far as I can understand, has arisen from the fact that many hon. gentlemen were under the impression that under its operation the idea of a preferential trade with Great Britain would be a great impossibility, that we would be unable to make with Great Britain or the colonies of the Empire anything in the nature of a preferential trade arrangement. Exception was taken to that article at the time the treaty was made, and it was only after consideration, and after information too, that it was held that the operation of this article would not preclude the making of any trade arrangement with Great Britain or between Great Britain and any of her colonies, for the reason that Great Britain or any of the colonies of the Empire could not be considered by any means as a third power in their relations with the rest of the world. The very best proof that I can bring forward to this House to show that Sir Charles Tupper did not exceed his powers, is by pointing out the bare fact that we are here to night discussing the treaty, not one word or line of which has been altered from the time of making it up to the present day. If Sir Charles Tupper had not authority to negotiate that treaty, why was it not repudiated by the Government of which he was the accredited ambassador—why is it the Government did not seek to alter the terms of that treaty—why is it, in point of fact, that we are here to-night discussing it? We are discussing it because Sir Charles Tupper had full power and authority, as has been proved by the fact of the Government having accepted and brought before Parliament the treaty that he was instrumental in making with France. It is very fortunate that we had a man of Sir Charles Tupper's capacity and energy in France. It is well, too, that Canada has been able, through the instrumentality of Lord Dufferin and Sir Charles Tupper, to make this treaty with France, the first that Canada has ever made—a treaty which, using the words of the hon. Senator from Montreal, may be considered as an entering wedge and which will enable us later on to make treaties with other countries. With regard to the effect which this treaty will have upon the business interests of Canada, let me say a few words. In doing so I run the risk of repeating what has been said by others before me. Taking up the articles in the order in which they are named, we find first on the list canned meat. Is it not in the direct interest of Ontario that she should have a larger and freer market open to her for that great product of hers, more especially as it is feared that the restrictions which have been placed on the introduction of our cattle into Great Britain may be continued and that it may become necessary that our meats should be exported in a different shape from that in which they have been heretofore? The United States, as is well known, do an immense trade in canned meat. I take it that it is in the interest of Canada that she should enter into that industry and instead of sending her cattle abroad, thereby losing the benefit of their hides and other products incident, that those cattle should be kept in the country and the meat exported in a different form. Condensed milk is a product of Nova Scotia as well as of Ontario. I will not tire the House by going through the full list, but will take up the two most important items, that is lumber and fish. With respect to the first and most important of these, lumber, let me deal with the remark that notwithstanding that lumber prior to 1892 was admitted on equal terms with the lumber imported into France from other countries, Russia, Norway and Sweden, we did not build up a trade to any very considerable extent. Let me explain; it is only within the last ten years that attention has been given, to any great extent, to finding a market for our lumber in France. The fact is that the Norwegians, Swedes and Russians have monopolized that market. They have produced lumber of certain sizes and manufactured it in a certain way to suit that market. Our people were content, until a short time ago, to continue in the old rut and send the lumber to one or two markets, the United States and Britain, in other words, putting all their eggs in one basket, but within 10 years the attention of those engaged in the trade has been turned to the French market; as a matter of fact, they were forced to it, inasmuch as during the long period of depression in the United Kingdom the markets for their lumber became very bad, and more especially for certain sizes. I am speaking—and those engaged in the trade will understand me—more especially of the very large percentage of certain sizes of spruce put on the

English market, the prices of which went down to a very low figure. Now, those were the sizes that the French market required and which they readily absorbed, and, therefore, the attention of the lumber trade was turned to France as a market for that. Agents, bookers and manufacturers went over there, and the consequence was a trade sprang up and continued to grow until this maximum impost of 1892 had to be contended against. Under that maximum duty, which meant about 7 francs per thousand superficial feet extra, we were denied the French market, so that just at the time when the trade was growing, this impost was levied and as a consequence, we had to withdraw our sellers from France. The Norwegians, Swedes and Russians had a complete monopoly of the market.

Hon. Mr. BOULTON—They always had.

Hon. Mr. ANGERS—They had the minimum tariff.

Hon. Mr. BURNS—They had not always; we were on equal terms with them up till 1892, but because as I have said the attention of the manufacturers of Canada was not directed to the French market, and because they had a market for their stuff in England, the Norwegians and the Russians had the French market to themselves. But when we discovered there was a large market in France for just the kind of stuff that we produce, and for the sizes which we found it extremely difficult, if not impossible at times to sell in England, then we went to France to sell them, and as I have said, a trade sprung up and was growing until we were met with an extra impost equal to $1.25 per thousand superficial feet on our lumber. That was practically prohibitory, and we lost the French market and have been out of it to this day. This $1.25 of an extra impost on Canadian lumber did not mean $1.25 a thousand profit to the exporter by any means, because I know enough of the trade to understand that $1.25 a thousand on lumber would be considered a very large profit. But it meant this in the trade, that they were excluded from the market. I could furnish to the House practical proof of what I have said. I remained in Ottawa up to some time in February in 1893, or until after the draft treaty came out. After ascertaining what the provisions of the treaty were, and having received the impression that that treaty would be ratified, I went to France and visited the different purchasing centres of that country around the coast. Without wishing to treat the House to any business experience of mine—I am simply stating it as a matter of information—let me say this, that in going among the French buyers and asking them to buy a cargo, or half a dozen cargoes, I, was met with this statement: "Yes, if your prices suit and if you will guarantee that the treaty with this country will be ratified by Canada we will purchase; if not we will not." I have before me now my contract book, which contains the summary of several contracts which I made in France, with that provision giving the purchaser the right or the option to cancel the contract in the event of the non-ratification of the treaty by the Canadian Parliament, and it will be found that on those contracts the word "cancelled" has been written. In plain unvarnished language and putting it into figures I, as one of the trade, sold about $70,000 worth of stuff, the contracts for which had to be cancelled because this treaty was not ratified. That, I think, is putting the thing in the plainest possible way to hon. gentlemen, in a way that will appeal to the understanding of everybody. That was the practical result of the non-ratification of the French treaty last year. This year the company with which I am connected have been unable to sell one single cargo to France, and the experience of almost everybody else in the trade, I am sure, is the same. There may be, under exceptional circumstances, some cargoes sold, but as a general thing the lumber trade with France has been at a complete standstill owing to the non-ratification of this treaty. With regard then to the next item, the important item of fish, the United States and Germany have been sending New Brunswick and Nova Scotia canned lobsters into France as the production of the United States, because New Brunswick and Nova Scotia were unable to get them in on simpler terms. The practice grew up of those engaged in canning lobsters to export them to the United States unpainted and unlabelled. They were taken in hand there and painted and labelled as the product of the United States and sent into France. The lobster industry, not to speak of our fishing industry generally, which is enormous, is very important in the

Maritime provinces, and it, too, gives employment to thousands of people who consume what they import from the province of Ontario. Now, I have tried to deal with the question in a practical way. I will just say this, that it is not, to use a common expression, an import business that we are after, it is an export business. France has asked us to make concessions on only two or three articles, wines and soap of a certain make, fruits, nuts, almonds and things of that kind. We are not bound to buy these things from France, but France offers us a market on terms of equality with countries with which we have to compete, for our lumber, our fish, our fruit and other things which form a very considerable portion of the whole exports of Canada. I say, hon. gentlemen, it is in the interest of every section of Canada that that market should be secured, that sectional considerations or minor considerations of any kind should not weigh, that we should by the acceptance of this treaty open a door which has been closed against us for some time and which no doubt will continue to be closed against us if we should refuse to accept the offer that has been made to us, which I regard as a fair and liberal offer when considered from a standpoint of a mercantile transaction.

Hon. Mr. READ—(Quinté)—If the treaty is a bad one, our representatives have made it and as such it is our duty I think to carry it out, it being the first one, and try and do better in the future if we are not satisfied.

Hon. Mr. BOULTON—I wish to say a few words in reply.

Hon. Mr. ANGERS—When you propose an amendment you have no reply.

Hon. Mr. POWER—I did not propose to say anything, but I have not spoken on the subject and as the hon. gentleman from Shell River has been shut off on a point of order, I may as well make a few remarks in his place. I do not propose to make a speech on the subject, but I wish to call attention to a very few points. It has been stated in the most positive way that the plenipotentiary, if we may so call him, who acted for Canada, or the active plenipotentiary—there were two plenipotentiaries—did not exceed his instructions, that he did not go beyond the powers given by the Government. Now, hon. gentlemen, I have a great deal of respect for the authority of the hon. gentleman who has just resumed his seat (Mr. Burns), but I think on a question of this sort I should sooner take the authority of the member of the Government who deputed the plenipotentiary, than that of the hon. gentleman who has been interviewing the plenipotentiary quite recently. The remarks of the Finance Minister in the House of Commons on 13th March, 1893, will be found at page 2278 of the Commons "Hansard" of last year:

> On the other hand, as the treaty is signed, Canada agrees to give France "most-favoured nation" treatment, not only on articles that are mentioned, but on any articles of her tariff in which she gives better terms to any other country. That was not the intention of the Government, as will be seen by a telegram which was sent to our commissioner in January, in which it was expressly stated that we agree to the "most-favoured nation" treatment so far only as articles named in the treaty are concerned. Our commissioner, either through error or for reasons which he explains in his correspondence, signed the treaty with the clause in it as I have read, giving "most-favoured nation" treatment to France in all articles of our tariff.

I think that pretty effectually disposes of the point taken by the hon. gentleman, that the plenipotentiary had not exceeded his powers. The despatches read by the hon. gentleman from Shell River show that the plenipotentiary had exceeded his powers, and here we have one of the parties who delegated that plenipotentiary stating in the plainest words that he had exceeded his powers.

Hon. Sir FRANK SMITH—They do not say so now.

Hon. Mr. POWER—A change has come over the spirit of their dreams since. That matter was considered at some length in another place, and I do not think it is well to enter into a discussion of the reasons why the Government changed their mind. I have before me the speech of the Finance Minister, made last year, and that speech, as far as it goes, is rather a speech expressing dissatisfaction with the treaty and grave doubt as to whether the Government would ratify it in any case. Hon. gentlemen have told us here that the country has been in honour bound from the beginning to adopt this treaty. We have to give up our judgment. We are not to look at this treaty

and consider it on its merits at all. We are not to consider whether this treaty, which is alleged to have been made for the benefit of Canada, is really for the benefit of Canada or not. We are not allowed to consider that; we are told that from the moment our plenipotentiary put his hand to that treaty Canada was bound in honour to accept it. Now, hon. gentlemen, that is very fine and sounds very well. Often when a man is trying to "put up a job" on another he is very likely to indulge in high flown sentiment. Good practical common sense is the best thing to use in parliamentary transactions and in treaties, as well as elsewhere. What do I find the Minister of Finance saying in this same speech? He made this explanation deliberately. He chose the occasion himself to make the explanation with respect to the French treaty. What did he say about the ratification of the treaty? Did he say that Parliament was bound in honour to ratify it? Not at all.

Hon. Mr. OGILVIE—That is a year ago.

Hon. Mr. POWER—Yes.

Hon. Mr. ANGERS—He has acquired more experience since.

Hon. Mr. POWER—The rules of honour have not altered since last year. If this country is in honour bound by the signature of its plenipotentiary this year, was it not in honour bound last year? There has been no additional signature since. Knowing all that we know to-day, what did he say:

> The treaty is signed subject to the ratification of the Canadian Parliament, and I make this full and frank exposition of the treaty in order that hon. gentlemen on both sides of the House may look into it and consider it, for it requires a little consideration to see just what the effect of the treaty is in these different particulars. And certainly until we receive more satisfactory assurances than we have as regards these items of which I have spoken I shall not ask the House to ratify the treaty.

The hon. gentleman does not see the point. If we were bound by the signature of the plenipotentiary, the Minister was bound to ask the House to ratify it. He says here that he would not ask them unless there were satisfactory answers given to certain questions.

Hon. Mr. ANGERS—He has asked them and they have come.

Hon. Mr. POWER—The fact is we have to consider this treaty as a matter of business. It has been reserved for our approval. I do not say that if the benefits arising from it exceeds the drawback, but if we think that the advantages which Canada is to receive under this treaty are equal to the drawbacks, that on the whole it is a fair bargain, then we ought to approve of it. Let us look at the treaty as a matter of business. It admits, at a low rate of duty, in the first place, all wines, sparkling and non-sparkling, castile soap, nuts, almonds, prunes, plums, etc. The soap does not amount to very much, and the nuts, almonds, prunes and plums do not amount to very much. The wine amounts to a very considerable item indeed. The loss of revenue on this alone was admitted by the Finance Minister, in a discussion a few days ago in another place, to be about $150,000 a year.

Hon. Mr. DEVER—He does not understand the trade.

Hon. Mr. POWER—The hon. gentleman thinks nobody understands the liquor trade except himself, I should suppose that the Finance Minister ought to know something as to the duty which is paid on wine.

Hon. Mr. DEVER—He is a blue ribbon man.

Hon. Mr. POWER—In the first place, we have to remember that we lose $150,000 revenue.

Hon. Mr. DEVER—No, we use more wine.

Hon. Mr. POWER—I prefer the authority of the blue book to that of my hon. friend. We receive $150,000 now, and that revenue is lost, and we have to make that revenue up somewhere else, so that it is a considerable price to pay for this treaty. Then there is the unfairness in a protectionist country like this of exposing our comparatively infant wine-growing industry, which employs some five or six thousand men, to the competition of the product of the pauper labour of Europe. That is a serious matter, and I do not see why this industry is not entitled to

the same consideration as other industries. I heard the leader of the House and two or three other hon. gentlemen inquiring why the wine industry was not able to stand on its own bottom, why the small specific duty and the cost of freight were not sufficient to protect it. I notice these gentlemen do not talk that way when they talk about iron and other things. The extra freight and the import duty were not enough, and you must put on 50 or 100 per cent duty; and I do not see why those unfortunate wine-growers should be singled out for this harsh treatment. The second article of the treaty is, to my mind, the most objectionable one. I should not be disposed to vote against the treaty, I should not be disposed to vote for the amendment proposed by the hon. member from Shell River were it not for this second article:

> Any commercial advantage granted by Canada to any third power especially in tariff matters shall be enjoyed fully by France, Algeria and the French colonies.

That is a provision inserted in the treaty without the authority of the Canadian Government or Parliament, and as far as I can judge from the correspondence, without any necessity whatever. There does not seem to have been any urgent claim made by France for that concession, and I cannot understand why the concession appears there. It is calculated to do immense harm in case of negotiations for trade which is much more important than that of France. Our export to France amounts to less than half a million a year, and that provision might probably hinder us at some future time from succeeding in reciprocity negotiations with the United States. In 1891, when our commissioners went to Washington, they found that the Washington authorities insisted that the privileges which they were to get should not be extended to other countries; and this provision might hinder Canada at some day from making a reciprocity treaty with a country with which she has a trade of 100 times that which she has with France. Now, hon. gentlemen, we come to the third article which speaks about articles of Canadian origin which are imported directly from this country, accompanied by certificates of origin, that they are to receive the advantage of the minimum tariff, and on this point I wish to make just one observation. The High Commissioner stated in his negotiations with the French commissioners, and in his correspondence with his principals, that unless there was a direct steam communication between Canada and France these provisions would be almost useless; and except in the case of lumber they would be. All the other articles if sent at all would be sent by steamer. We have the authority of the Canadian commissioner, which has been quoted time and again, and has been quoted I think by the hon. gentleman from Shell River. Now we take up this list and look at it. I have here the speech of the Minister of Finance made last year and I find the same statement in the report made by the Minister of Commerce since that, which is to be found in the blue book. I find the old French tariff previous to 1892 and the present French tariff—the minimum. The first article on this list is canned meats. I turn to the old French tariff and I find that the duty on canned meats under that old tariff was 8 francs a kilogramme. Now, we had that old tariff for some years. We had every opportunity to do business with France in canned meats, and we did not send any canned meats to France. But the hon. gentleman from Bathurst undertakes to tell us that under this new tariff we ought to send canned meats to France. That would leave the impression that the new tariff was much more favourable than the old one. What is the duty under the minimum tariff? 15 francs. So that the duty now is nearly double what it was, and the hon. gentleman thinks that although we could not send canned meats to France under the old tariff, we can send them under the new tariff which is twice as high.

Hon. Mr. BURNS—What is the maximum tariff?

Hon. Mr. POWER—20 francs. I leave the maximum tariff out of the questions altogether. I take the tariff in operation up to 1892, and I take our experience under that, and compare it with the new tariff. If we could not send canned meats to France, with a duty of 8 francs, surely we cannot send them with a duty of 15 francs. Hon. gentlemen are trying to create the impression that there will be an immense trade with France where there has not been and where there cannot be under this treaty. The next article is con-

densed milk. Now, hon. gentlemen, we do not make any pure condensed milk in Canada.

Hon. Mr. POIRIER—We will start some.

Hon. Mr. POWER—For the tremendous quantity consumed in France we will start a new business here. Now sugar is used in making condensed milk in Canada, and this treaty will not admit that kind of milk at the minimum tariff. The minimum tariff is 1 franc less than the old tariff. Then fresh water fish, eels—I do not think we sent a great many eels to France under the old tariff and the old tariff was exactly the same as the minimum tariff we are to have under the treaty, 5 francs. Then fish preserved in their natural form. There has been some question as to what that means, but we will suppose that that means canned fish. Well, hon. gentlemen, under the tariff which prevailed up to 1892, the duty which was paid on fish preserved in their natural form was 10 francs a kilogramme. Under the minimum tariff, which we are to have under this beneficient treaty, it is 25 francs a kilogramme. We did not send the fish in any quantity under the old tariff; are we likely to send them when the tariff is 150 per cent more? I am only a theorist; I am not a business man, but it strikes me that this looks like common sense and business. Then we come to lobsters and cray fish preserved in their natural form. The old tariff is 10 francs per kilogramme and the new tariff 25 cents a kilogramme. I think we shall not ship many more of lobsters. The excessive bounty upon French caught and manufactured fish of all kinds is calculated to hinder any large export from Canada to France. Apples and pears we did not send in when they were free, and we shall not send them in now when there is this duty on them. Apples and pears dried, the old duty was 6 and the new minimum duty is 10. Then other preserved fruit, the old duty was 8 and the new is 8. With reference to building timber, rough or sawn, I have to defer to the experience of the hon. gentleman in that respect, but I cannot understand exactly why it is that in the years preceding 1892—although we sent a considerable quantity of lumber there, we did not send an immense quantity—I cannot understand how we are likely to send an immense quantity in the future. No doubt we shall send more than we have been doing during the past two years. We did send an average of $400,000 a year, and under the new tariff I think we got down to about $250,000, and there will probably be an increase in the sale of lumber. On wood pavement, the duty was 1 franc and the present duty is $3\frac{1}{2}$. Under the old tariff staves were free and under the minimum they will be 75 centimes. The extract of chestnut and other tanning extracts, which my hon. friend from St. John spoke about and described as a probable source of immense trade, were free under the old tariff and under the new the duty is 3 francs a kilogramme. Common paper was 11 under the old tariff and is 10 under the new. I do not think we are likely to send any of that. There is a reduction in prepared skins. Boots and shoes are just the same under the old as under the new tariff. There is the same tariff as before on furniture of common wood. We did not send any before, and we shall not send any now. That is pretty near the end of the list. There are also wood and sea-going ships—we used to send some, but we will not now because of the bounties given by France to ships manufactured in that country, both sailing and construction bounties. Other ships will not be used. I am not a business man, but I think I can read the English language, and I have a very moderate knowledge of figures, and I think that, looking at the proposed new tariff and the tariff under which we did a very small business with France, we are not likely to do a large business under this treaty—not likely to do any business which will justify us in losing $150,000 revenue. We are departing from the fiscal principles which have governed this country since 1879. I do not think there is anything to justify that, and I do not think there is anything to justify us in flying in the face of the wine growers and the temperance people all over the country. I am not going to deal with the speeches made by other hon. gentlemen, but there is just one observation I should like to make with respect to an illustration presented by the hon. gentleman from the Kennebec division. The hon. gentleman said that Canada was like a small dealer who was trying to open an account with a big concern, and the conclusion the hon. gentleman wished us to draw in this case was that whether the prices asked

by the big concern were reasonable or not, whether the bargain offered to the small dealer was a fair and reasonable one or not, he was bound to accept it. That is the way I interpreted it. I say this is not a fair and equitable bargain, and I think that the small dealer who went to the big dealer and paid more for the articles he was getting than they were worth would be a long time before he made money or became a big dealer himself; and if the hon. gentleman had ever been a small dealer—I do not think he ever was—and began to do business in that way, he never would have got to where he is now. There is no use blinking the fact, I do not think there are half a dozen hon. gentlemen in this House who believe that, as a matter of business, it is a good thing for Canada to ratify this treaty, and we know that the leader of the Government in this House last year, who is not present now, who is probably consuming French wines instead of being here advocating the French treaty, did not approve of this arrangement. It was an open secret that the Government did not approve of the treaty; and what are the mysterious means which have been used to hypnotize or mesmerize the Government I do not know, but they have been so influenced, and I presume a sufficient number of their followers have been so influenced as to carry the measure in this House, and it is not worth while saying much against it. However, it is just as well to put one's views on record.

The House divided on the amendment, which was lost on the following division:

CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Boulton, | Merner, |
| McCallum, | Scott—5. |
| McLaren, | |

NON-CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Allan, | Kaulbach, |
| Angers, | Lougheed, |
| Armand, | McMillan, |
| Bellerose, | MacInnes (Burlington,) |
| Bernier, | Montplaisir, |
| Boucherville, de | Murphy, |
| Burns, | Ogilvie, |
| Clemow, | Perley, |
| Cochrane, | Poirier, |
| De Blois, | Price, |
| Desjardins, | Read (Quinté,) |
| Dever, | Robitaille, |
| Dobson, | Smith (Sir Frank,) |
| Drummond, | Sullivan, |
| Guévremont, | Tassé—30. |

Hon. Mr. McCALLUM—I desire to make a few remarks on the bill before it is read the third time, and as it is getting pretty late the leader of the Senate might allow me to make a few remarks tomorrow.

Hon. Mr. ANGERS—The hon. gentleman will have an opportunity of addressing the House when the bill is referred to a committee of the whole.

Hon. Mr. McCALLUM—I can make my remarks now. This bill has been carried almost by force in the other House and here, and it will be denounced by force by the people in the country before very long. The leader of the Government congratulated us on having the great privilege of negotiating our own treaty, it is a great privilege no doubt. They say this is the first, I differ as to that. We had the Treaty of Washington; but supposing we get the power of negotiating our own treaties, and the treaty is violated, where is the army or navy to enforce it? Before hon. gentlemen talk about the great benefits to be derived from negotiating our own treaties they ought to consider all the responsibilities that the right carries with it. The hon. gentleman says that we did not refuse to ratify this treaty last year, and there was no dissatisfaction as to its terms. If there was not, why was it not put through last year? According to the remarks of the hon. member from Bathurst, he lost a great deal of money because it was not put through last year. He spoke of the importance of the lumber industry and told us of all the capital invested without industry, but he did not tell us of the crop he has been harvesting in this country for many years. The industry that is to be destroyed by this treaty is the grape and wine in dustry. One would think that the only object the Government of this country had was for the people to get a taste for French wine. The leader and the member for Lunenburg says they are very desirous that we should have a taste for French wine. What do the people of this country care for that? What interest does the workingman expect to have in wine? What do those people who are engaged in producing the wealth of this country expect of this treaty? You pass legislation in favour of the rich as against the poor. You give them wine.

Hon. gentlemen talk about a loss of $150,000 in the revenue. You will find it to be $200,000 before you get through this that you are giving away to the wine-bibbers of this country and taxing the poor to make up the amount. What has been our policy? I stand before you here as one of those who fought for the National Policy for the last 17 years. Where is it now? Given away. I fought shoulder to shoulder with the Minister of Trade and Commerce, I am sorry to-night that he is not here. I fought for 17 years with the Conservative party of this country, and for the National Policy. The National Policy now is scattered to the four winds of heaven in favour of the wine-bibbers.

Hon. Sir FRANK SMITH—Oh, no.

Hon. Mr. McCALLUM—I say, oh, yes. I know what I am talking about. You do it because you make a concession to the wine bibbers, and you have been saying here that you raised that duty in order to have a chance of taking it off. Just imagine the Government of this country that we have been supporting for years, saying, "see what we have done for you, see how we put the duty on wine for you," and now we are told that they did it for a certain object in order that it might be taken off again. This is the reason I oppose this treaty, because I have taken an interest in keeping the Canadian market for the Canadians. Now you are giving it away. The last plank of the National Policy is gone. We told the people that we should collect a revenue on the luxuries coming into this country, and allow the necessaries of life to come in as free as possible. What does the result now show? You take the duty off the luxuries, and you are going to destroy an important industry of this country. My hon. friend from Bathurst talks about the lumber trade. He says they use corn and pork, and they are harvesting the crop that has been growing for a thousand years, and which cannot be repeated. But take the grape industry in the province of Ontario; you can raise a crop every year. My hon. friend the leader here says the first petition comes from the grape growers, and they want to get something to fortify their wine, and then he talks in favour of temperance. That which goes to fortify the wine—is it in the interest of temperance? No, certainly not, and I am sorry to see that that great apostle of temperance, the hon. member from Sarnia, is not in his place to hear this. I regret exceedingly that the Government of this country should have thought right and proper to submit this treaty to Parliament for its ratification. How are they going to face the people of this country by giving away the National Policy? If they do not denounce that treaty and denounce it soon, the people of this country will denounce them. I have a statement here which I will read to show how important this industry is in the province of Ontario. Native wine is produced in this country, and I want to see it produced until it becomes the common drink of the people in place of strong spirituous liquors, and I know it can be produced in this country at about 60 cents per gallon:

> It is estimated that four-fifths of the grape crop is made into wine, and if the grapes so consumed were thrown upon the market for fruit, it would cause a glut in the market, and they would not bring a price sufficient to cover the cost of growing, I venture to say that the greater quantity would rot on the vines as the reduction in the price would not pay the farmer to put them on the market.
>
> It may not come amiss here to give you the quantity of grapes that enter into the manufacture of wine. The quantities I name below only represent the Pelee Island Wine and Vineyards Co., Ltd., (not taking into consideration the 14 dozens of other wine makers.)
>
> Our yearly purchases from farmers (exclusive of vineyards under yearly contract, one of which contains fifty acres capable of producing 350,000 lbs. of grapes), and amounting to 802,000 lbs. of grapes for which we pay from $25 to $60 a ton of seventy farmers, bringing in an income to each of the seventy-one farmers, ranging from $87 to $617 each, or an average of $170 to each.

Now this is a very important industry which you are going to ruin. You are going to throw a lot of people out of employment and I know the treaty has already retarded improvement in this matter, I know it personally. I know many people who were going to plant vineyards this spring who have not done so and are very much alarmed already. Many of them had mortgaged their property in order to put out vineyards, and here you are going to destroy the industry in order that we should get a taste for French wine, as has been said by the hon. leader of the House and the hon. gentleman from Lunenburg.

Hon. Mr. KAULBACH—I have just heard you can make wine in Canada for 40c.

a gallon, and if you reduce the prices we will drink your wine.

Hon. Mr. McCALLUM—The writer from whom I have been quoting continues :

This is a good example of the Hon. G. E. Foster's theory of practising mixed farming, as he tells us in his speeches, those having already taken up grape growing in addition to grain raising, find it much more profitable to grow grapes, but in this particular instance we find the Government proposing to unceremoniously ruin the owners of vineyards, by ratifying this treaty, for the privilege of selling a few eels, lobsters, crawfish, etc. I guarantee and venture to say that the profits to the shippers on the increased trade that would follow after the coming into force of the treaty, would not equal one-fiftieth part of the loss that the farmers would sustain, in addition to killing a native industry that gives promise of surpassing anything that farmers have undertaken in the way of profitable cultivation of the soil.

Now, sir, that is the industry you are going to destroy. You do it with your eyes open, and just as sure as the sun shines in the heavens to-day, they will retaliate. There is no doubt about that. You may look for that in the future. In conversation with one of the leading grape growers of Essex County, he expressed himself as follows :

If this treaty is ratified it will mean the ruination of all those farmers who have gone into grape growing in the last five years.

As the total cost of a vineyard is entailed in the first three years, the cost of vines, the planting of posts and the wire, this you will perceive is an outlay covering three years, and no returns are forthcoming until the end of the fourth season. I have fifty acres of land here I would not take $150 an acre for, but if the treaty is ratified I would sell for $40 an acre.

That is the result ; sell for $40 an acre and then a man is expected to keep his family and keep a lot of men and here, he is going to be ruined by this treaty :—

" Why," he said, " in a good season I can grow 4 tons of Catawba grapes to the acre, and get $50 per ton, bringing me in $200 for every acre I have in grapes, but on the same soil it would not yield more than 25 bushels of wheat to the acre, and at 75 cents a bushel I would only receive about $20 an acre, or if sown with any other grain the revenue would amount to about the same."

Is it just that the Government should single out the farmers, interested in this class of agriculture for to propose adverse legislation.

What has this class of the farming community done to receive such unfair treatment at the hands of this Government ?

This class has asked for no concessions in the tariff, not even to the extent of lowering the duty on the wire used in the vineyards to a very large extent, all they ask is justice.

A point which is worthy of notice, Canadian wines only contain from 12 to 18 degrees of spirit, this is obtained during the natural process of fermentation (see clause 10 of the circular) and the treaty proposes to admit wine free of 26 degrees of spirit, by this you will notice that wines from France containing from 8 to 12 degrees more spirit than Canadian wine are admitted, which has a very detrimental effect on the temperance cause.

The hon. gentleman and the Government of this country wish our people to get a taste for wine and make them wine-bibbers. Do they want to make us drunk ?

Hon. Mr. KAULBACH—Not on those wines.

Hon. Mr. McCALLUM—Well, I have seen plenty of men full—well, if they were not full, they had just plenty. I do not like to name them.

This extra strength contained in the French wines is not natural, but produced by the addition of raw spirit to the natural strength of their wine, and this will come into competition with the light, pure, Canadian wine, and containing no addition of spirit.

I may state that the names of the wine manufacturers attached to the memorial enclosed do not comprise one-half the names of those engaged in the wine manufacture. And, as I stated, the figures herein given are only the Pelée Island Wine Co.'s output, manufacture, &c., and based on an average year.

An idea of the magnitude of the grape growing interest and wine manufacture in Canada can be had when the following facts are taken into consideration.

1st. There are at least five thousand acres of land planted in vines capable of producing one million and a half gallons of wine.

2nd. Ontario alone has an area suitable for grape culture at least equal to the present area of vineyards in France. See the report of the select standing committee on agriculture and colonization for 1891, pages 99, 100 and 103.

3rd. There are about 4,000 people directly or indirectly interested in grape growing and wine making.

From the foregoing facts it is evident that if the proposed treaty is ratified without certain restrictions, and also without equivalent advantages being granted to us from the Government, our grape growing and wine industries will be practically ruined.

That is only from one company. There are fourteen other companies engaged in this, and a large number of men employed, and you are going to destroy all that by this treaty.

Hon. Mr. KAULBACH—We need not do it, because they are charging twice too much for their wine.

Hon. Mr. McCALLUM—There are at least five thousand acres of land planted in

vineyards, capable of producing one million five hundred thousand gallons of wine. There is an area in Ontario alone equal to the entire wine-growing area of France. That is the report of an expert brought before the Committee on Immigration and Colonization of the other House. If the Government of the country had even taken the trouble to look at that report, how could they negotiate a treaty if they considered the interests of the people of this country, a treaty which is going to destroy that industry, besides throwing away the whole National Policy?

Hon. Mr. KAULBACH—We can produce wine in Canada at 40 cents a gallon, and you cannot sell French wine for that.

Hon. Mr. McCALLUM—I say the National Policy is gone. The Government of this country may look out; the time is coming, we are losing a large amount of revenue by this treaty. Look at the obligations that we have undertaken in the interests of the country! We are going to give seven hundred and fifty thousand dollars for a fast line on the Atlantic. We have already given a large subsidy to a line on the Pacific. We are going to lose two hundred and fifty thousand dollars on this French treaty by the reduction of duties, and then if you are going to have the advantage of it, you must have a direct line to France, which will cost the country five hundred thousand dollars a year more. You are going to do that on a falling revenue. What will be the result? The result will be deficits. I do not profess to be a prophet or the son of a prophet, but I say the outlook is bad for Canada. We should husband our resources as far as possible. Let us do what we can in the interests of the prosperity of the country, but I cannot for a moment allow my judgment to be warped, not even under pressure, as I am sure some hon. gentlemen's judgment must be, to vote for a treaty of this kind which has a tendency to flood Canada with French wines which this country does not want, and to destroy an industry which is important in the interests of Canada. If I stand alone in this House, I shall oppose the treaty, because I know the vindication of the vote I am going to give will come, and come soon. It will come in less than two years. I say to the Government that I have been supporting all my life, and intend to support still—because I am not going to be driven out of the party like some people that I know of; I want to keep them from committing political suicide, which they are fast approaching by their policy. I am a better party man than half of their supporters, because I am not a partisan to make something out of it, but I am here to tell the Government of their faults, and I must say to-night, when I look at them and the way this question has been brought up, that I am against it, and the people of the Dominion are against it. I know I am not doing justice to this question, because I am tired, and the leader of the Government has refused to let the matter stand until to-morrow. I move that this bill be not now read the second time, but that it be read the second time this day six months.

The Senate divided on the amendment, which was rejected by the following vote:—

CONTENTS.

Hon. Messrs.

| | |
|---|---|
| Boulton, | Mernier, |
| McCallum, | Scott.—5. |
| McLaren, | |

NON-CONTENTS:

Hon. Messrs.

| | |
|---|---|
| Allan, | Guévremont, |
| Angers, | Kaulbach, |
| Armand, | McMillan, |
| Bellerose, | MacInnes (Burlington), |
| Bernier, | Montplaisir, |
| Boucherville, de | Murphy, |
| Burns, | Ogilvie, |
| Clemow, | Poirier, |
| Cochrane, | Price, |
| De Blois, | Read (Quinté), |
| Desjardins, | Robitaille, |
| Dever, | Smith (Sir Frank), |
| Dobson, | Sullivan, |
| Drummond, | Tassé.—28. |

The bill was then read the third time and passed on a division.

The Senate adjourned at 11.35 p.m.

## THE SENATE.

*Ottawa, Wednesday, 18th July, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## DOMINION LANDS BILL.

Hon. Mr. ANGERS moved the second reading of Bill (160) "An Act respecting Dominion Lands." He said: I will move the second reading of the bill at the Table of the House. I will now give a short explanation. When settlers first went into

the territories and Manitoba, some of them had settled before the surveys were made, and after the surveys were made it was found that a certain number of them were upon school lands. It is not right that they should be deprived of their improvements or evicted, and this bill is to authorize the Government to allow them to hold lands, not over 160 acres, which they have so settled upon, the Government asking for authority to choose in the same township other lands for school purposes to replace those given away or abandoned.

Hon. Mr. LOUGHEED—I would suggest to the hon. Minister the propriety of the Government taking more power than is contained in this bill, inasmuch as no provision appears to have been made for the granting to the settlers of pre-emptions under the old act, and in the class of cases which this bill is intended to govern, many settlers not only took up homesteads but took up a pre-emption on school lands as they would be entitled to under the Dominion Lands Act. This bill only deals with the homesteads and not the pre-emptions. If the principle is deemed to be right, of granting a patent to the settler for his homestead, the principle is equally right and strong in its application that the settler should be entitled to the pre-emption upon which he had settled. I think you will find a class of cases springing up which is not governed by this bill.

Hon. Mr. ANGERS—I think the suggestion is a very good one and seems to be equitable, but at this late stage of the session it will be nearly impossible for me to enter into the question. I would have to enter into a conference with the Minister of the Interior and his officers, and I hope nobody will suffer between this time and next session. I shall draw the attention of the department to this point.

Hon. Mr. POWER—I do not feel very clear as to the point I am going to speak upon, but I think it is worth considering. The second clause of this bill provides that :

> Notwithstanding anything contained in any such act, the omission to publish any order or regulation heretofore made by the Governor in Council under the provisions of any act relating to Dominion lands, or to publish such order or regulation in any prescribed manner, shall not be held to invalidate it or anything done thereunder.

I can imagine that lands may have got into the possession of some party which he would not have got if these orders or regulations had been duly published, and this clause does not contain any reservation of the right of the parties, or any provision that it shall not affect pending litigation, which I think ought to be contained in it.

Hon. Mr. ANGERS—This is only doing away with the formality which would not deprive a third party from any acquired rights he would have. If his acquired right resulted from negligence on behalf of the Government, he would have that equitable claim for negligence, and if it were gross negligence he would have a claim in law.

The motion was agreed to.

Hon. Mr. ANGERS moved the third reading of the bill.

The motion was agreed to and the bill was read the third time and passed.

## FRAUDULENT SALE OR MARKING BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (123) "An Act in restraint of Fraudulent Sale or Marking."

(In the Committee.)

On the schedule,

Hon. Mr. ANGERS—I move an amendment to the schedule to strike out the word "honey," and the explanation following. If it is left there it will be more detrimental than useful, and there is another bill in the House which I hope will be passed to provide a remedy for the evil complained of.

The amendment was adopted.

Hon. Mr. KAULBACH—Why is the penalty made the sum of $100? Why not a minimum or a maximum penalty? It may be an offence of a trifling nature. I think the merits of every case should be considered, and that it should not be an arbitrary fine of $100, but should be a penalty consistent with the circumstances in each case.

Hon. Mr. ANGERS—I have no objection to that. I move to strike out the word "of," and insert "not exceeding."

The amendment was adopted.

Hon. Mr. BOULTON, from the committee, reported the bill with an amendment, which was concurred in.

The bill was then read the third time and passed.

## OCEAN STEAMSHIP SUBSIDIES BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (161) "An Act further to amend an Act respecting ocean steamship subsidies."

Hon. Mr. POWER—The House will require some reason, I fancy, for this enormous subsidy.

Hon. Mr. ANGERS — Those reasons might have been given at a later stage just as well, but I shall state briefly now the object of this bill and why the Government has thought it wise to come to Parliament with a measure of this kind. Many years ago it was decided that Canada should have a fast line of steamships on the Atlantic. Many years back attempts were made in that direction, and Parliament authorized the Governor in Council to give a subsidy for that purpose of $500,000 a year to secure the advantages of such a line of steamships to Canada. So far, it has been found impossible to find any person to carry out this desirable enterprise for the subsidy offered. Some have accepted the subsidy, but failed. Tenders have been asked upon different occasions but without effect, either from the fact that a larger sum of money was asked or that an insufficient service was promised. The Anderson line undertook the service for $500,000, and found it impossible to carry it out under the conditions which were imposed. Negotiations then arose with several companies—with the Allan line, with several English lines, with a French line, and with a Belgian company as well. The result was that the demands have run up from $750,000 to $1,250,000, none of them offering, except one, I think, a 20 knot line. Provisional arrangements had been made with Mr. Bryce Douglas for $750,000, but they were not carried out for two reasons, the unfortunate death of the promoter, and the financial crash about the time the scheme was floated. At the present time we have an offer, for a subsidy of $750,000 a year, of a weekly service of vessels averaging from 9 to 11 thousand tons, with a steaming capacity of 20 knots at sea—that is the capacity for travelling in ordinary weather on the Atlantic at a speed of 20 knots, and also an undertaking to make connection between a port in England and a port off the cost of France in the channel. The steamers on this line are to be first class, equal to the best that are now sailing to and from the harbour of New York. The subsidy asked by this bill submitted to Parliament is for 10 years. The Government has also incurred the responsibility of submitting for the approval of the Parliament, the continuation of the concontract after 10 years for a similar period for a reduced subsidy, to wit $300,000 a year. The Government is not coming now before Parliament for the purpose of getting that authority. We are now only coming for the first decade. It is unnecessary for me to enlarge upon the necessity for such a service. I do not think I could give any information to the hon. members of this House which is not already in their possession, I shall only refer very briefly to the conclusion to which the delegation that met in Ottawa have come. They have undertaken to recommend to their Governments the importance of assisting of a steamship company upon the Pacific Ocean to be a link in a line of communication over the territory of Canada with England. They have also drawn the attention of Her Majesty's Government to the great importance of assisting a fast line on the Atlantic for Imperial purposes, securing direct communication with the Australian Colonies exclusively on British territory except the ocean, which virtually we might call British territory. Many questions have been raised in relation to this enterprise. Will it be a successful one, will it be a paying one, and will the persons who intend to invest their money in it find it profitable? From what information we got from men who have made a special study of this matter, we think it will be successful and profitable. Sir William Van Horne recently stated in the public press that after having given mature consideration to this subject, he had no doubt that such a line would pay, that all the geographical advantages were on our side, that we should draw the passenger traffic from even the Western States through Canada, and that the voyage by sea being so short New York could not compete with us in that traffic. You are all familiar with the distances between our ports and the ports in England. You know also the distance

from New York and these same ports in England.

Hon. Mr. POWER—Perhaps the hon. gentleman will tell us the exact distance frem Quebec to Liverpool?

Hon. Mr. ANGERS—From Liverpool to Rimouski or Halifax it is about 2,500 miles. A steamer running twenty miles an hour will make that voyage in five days and three or four hours; allowing for delays in approaching land she will make the journey easy in five and a half days. Rimouski is eight hours from Quebec and Halifax 24 hours from Montreal. The time required for a 20-knot steamer from Liverpool to Montreal would be five days and 20 hours in summer, and six and one-half days in winter.

Hon. Mr. DEVER—You would have to go by St. John in winter. You could not go to Montreal or Halifax.

Hon. Mr. ANGERS—I shall not dispute any of these points, because they are open questions. If you went to St. John, as the vessels may and will go, the distance by sea would be greater, but then the travel by rail would be shorter, so that on the average, I suppose, either St. John or Halifax may be on the same footing. This is left for the company to decide with, of course, the supervision and approval of the Government in the interests of the enterprise. Now if we compare a trip of 5 days and twenty hours, and 6 days and a half with the time made by existing lines of fast steamers, we see what an advantage we can have over New York for the delivery of the mails. The United States Post Office Department show that the fastest steamers between Britain and New York last year required $7\frac{1}{2}$ days, on an average, for the delivery of the mails between Liverpool and New York. They have now the fast line that we are endeavouring ourselves to have, but the position as to them is such that although they have those vessels running at 20 and 21 knots, they have been unable, on the average, to deliver the mails in any shorter period than $7\frac{1}{2}$ days.

Hon. Mr. POWER—If the hon. gentleman will excuse me for interrupting him, that does not apply to the ocean greyhounds, because they never take more than six days to cross.

Hon. Mr. ANGERS—The hon. gentleman is mistaken. It applies to these very hounds. I have given the average of the "Lucania" and the "Campania," and that is the average of those very hounds that the hon. gentleman is speaking of.

Hon. Mr. POWER—Then they do not average 20 knots.

Hon. Mr. ANGERS—They do.

Hon. Mr. POWER—They cannot.

Hon. Mr. ANGERS—Why not? They have the same disadvantage in nearing the land that other steamers have, and in my calculation I allow for the reduction in speed of the vessel nearing the land on this side and nearing the land in England, and allowing 16 or 15 knots travelling instead of 20 or 21, I made out the average which I have given the House. I have the actual facts as to the "Campania," and the hon. gentleman says that they cannot have been travelling at 20 knots. They were, I suppose for three, four, five or six days, travelling at 20 knots. But the harbour of New York has certain disadvantages also. Passing along the New England coast, before reaching the city of New York, the steamships encounter fogs and other obstacles that have to be taken into account.

Hon. Mr. POWER—All steamers do not go near the New England coast.

Hon. Mr. ANGERS—Wherever they near the land they have to take the same precaution, and there are fogs in passing near the banks. There are fogs on that coast as well as on the coast of Canada near Halifax and in the Gulf of St. Lawrence.

Hon. Mr. ALLAN—That average time that the hon. Minister has mentioned was both for summer and winter?

Hon. Mr. ANGERS—The average differs for the two seasons. I gave both.

Hon. Mr. OGILVIE—There is a place in Canada where there are no fogs.

Hon. Mr. ANGERS—In Canada we have no fast line. Still, in the summer of 1892–93, the "Parisian," which is only a 14-knot

steamer, delivered the mails between Liverpool and Montreal in seven days, or within an hour of the time of the "Campania" on her last trip, when she was really running 22 knots an hour. That will indicate to the House the position of Canada in relation to this subject. We recollect that when the Allan line was first established on the St. Lawrence, the steamers going to New York were much slower than our Canadian boats, and that we used to carry a large percentage of the United States mails by the St. Lawrence route, and a number of United States travellers used to come this way also, but since then we have made no progress. We have remained with vessels of 10, 13 and 14 knots, whilst New York has improved its steamers in such a way that not only do they carry all the United States mails and passengers, but they have drawn to them from Canada a large number of passengers and also a large portion of the Canadian mails. It is unnecessary to go any further into details. When the House goes into committee I will be able to give any information that is required, even on geographical questions.

Hon. Mr. OGILVIE—I think the hon. Minister has not been so well posted about geography as he should have been, because there is a point on our Canadian coast where there are no fogs. The fact has been pretty well established, but the death of Bryce Douglas prevented it from being brought out three years ago; there is a point in Nova Scotia where there are no fogs, that is the evidence that was given here, a place where a 20-knot boat can sail from Canada and reach England in four days.

Hon. Mr. SCOTT—Is it Louisburg?

Hon. Mr. OGILVIE—No, Terminal City, I think in the county of Antigonish. I have been down there and have gone all round it, and any man that has ever come in there once can come in there at any time he likes. The evidence given here by two men, captains who have lived there for a lifetime, is that there is never any fog at that harbour, and that they could take the mails from Washington to England, or vice versa, by that route in twenty-six or thirty-six hours less time than they could be carried by any other route. I am prepared, if an opportunity is given me, to prove that now.

Hon. Mr. SCOTT—The proposition to invite tenders for a fast line of steamers to Canada has been, for many years, before those who are interested in the oceanic trade, and the Government have been unable to obtain any proposals that would justify the people in thinking that the fast line now proposed could be realized. The amount has now been considerably increased, from $500,000 to $750,000, meaning $7,500,000 in the next ten years. It cannot be contended that Canada has been in any way slow in assisting enterprises for the development of the St. Lawrence River. Thirty years ago we subsidized pretty heavily the Allan line and the pioneer line. In 1860, the subsidy given that line by Parliament was $8,000, for each weekly trip. There is no doubt about it, the effect at that day was to give us a very substantial service, a line that has very materially contributed to the trade and commerce of this country. As years went on, other lines sprung into existence and to-day we have on the St. Lawrence as good a service as can be found in other part of the world for a similar number of people under similar conditions. The proposal of the Government now is to accept a tender from a rival company, if such a company can be formed, and it must necessarily exercise an injurious influence on those who have been the pioneers of that trade, and who have a large amount invested in existing lines.

Hon. Mr. ANGERS—They have had the preference for a long time.

Hon. Mr. SCOTT—They are keen business men, and must have realized whether it would pay them to do it or not. There could be no object in entering into it unless it was a paying project. They are in the best position of any one in the world to satisfy themselves and investors outside whether such a line could pay or not. It would be a very natural ambition to establish that fast line, because it is evident to every one that if a rival line, such as that contemplated now, were brought into existence it must destroy practically the value of millions of dollars now invested in lines running to the St. Lawrence; more particularly the Allan line and the Dominion line

There is no question about that. It means that the Government of this country propose to strike a blow which must destroy practically the value of those millions of dollars invested already. As a matter of self defence, it must be apparent to every one that if it were at all practicable to meet the proposal of the Government, those lines were in the best possible position and it is to their interest to perform the service. In the projects which have been spoken of, Anderson's and the other projects, and practically the Huddart project, I am not aware that any substantial company has been formed or money raised for the purpose of forming this line. It is all practically in the clouds. It has to be floated. The reason I presume, that those who are familiar with that trade have not been prompted to accept the offer of the Government, will probably be explained by their believing, in the first place, that it would not pay, and in the second place, that there are difficulties in the way that interfere with high speed over the route that lines must take between the St. Lawrence and Liverpool or any port in England. We know very well that those fast ocean steamers that are called "greyhounds," which run from New York, run four or five hundred miles further south than the steamers that come to Canada. They are obliged to do that in order to maintain their high speed. They do not feel that it would be safe to go south of the banks of Newfoundland except at a very considerable distance, or near the Canadian shore, unless in remarkably fine weather. There is scarcely a trip made, particularly in the months of May, June and July, where both fogs and icebergs have not been encountered. Only yesterday, in reading the Montreal *Star*, I noticed that no less than three vessels were detained. The Dominion Line steamer "Vancouver" was detained in a fog for 20 hours. She was also detained on another occasion by ice. The Allan Line steamer "Numidian" was detained by fog on the night of the 11th and had to wait over. The Allan Line steamer "Sarmatian" lost 70 hours in a fog, and had to slow down in certain places in the Gulf. Under similar conditions, can a vessel running 20 knots an hour recklessly sail at a rapid rate where icebergs are likely to be encountered? On the passage outward of one of the steamers, "Lake Superior," the vessel had a collision with an iceberg. She reported to-day with a hole in her bow, and had to go into dock in Liverpool. These are facts that come up every day. If you take the history of voyages during those months of the year, the universal complaint is that speed is impossible, owing to the fogs and icebergs. One does not want to decry the many advantages of the St. Lawrence. We have made it a safe route, provided there are no fogs. Every one must know that the fogs and icebergs are limited to certain ranges and the reason that fast steamers run at the speed they do and make New York their objective point is that they are outside of the line of fogs and icebergs.

Hon. Mr. ALLAN—I have gone out of the port of New York in the "Majestic" in the thickest fog I have ever experienced.

Hon. Mr. SCOTT—Yes; but it is not the rule.

Hon. Mr. ANGERS—Yes, as much as on the St. Lawrence route.

Hon. Mr. ALLAN—I had the pleasure of being on the "Persia" when she ran into an iceberg.

Hon. Mr. DRUMMOND—I have seen fogs in the middle of the Atlantic.

Hon. Mr. ANGERS—I wonder anybody goes across at all.

Hon. Mr. SCOTT—I am quite aware of the fact that vessels that do not take what is called a southern lane, do encounter fogs and icebergs. I particularly emphasized the fact that the fast vessels which run from the port of New York take a line 500 miles south of New York. Take all the fast vessels and they run so far south that practically they are beyond the range of both fogs and icebergs.

Hon. Mr. DRUMMOND—It was precisely on those vessels that I have encountered fogs, on that route that they take.

Hon. Mr. PRICE—On one voyage from Queenstown the fog followed us until we were within half an hour of Sandy Hook.

Hon. Mr. SCOTT—Did the vessel take the regular southern route?

Hon. Mr. PRICE—The regular Cunard route?

Hon. Mr. SCOTT—The fast steamers go further south than that.

Hon. Mr. DRUMMOND—The hon. gentleman thinks the fog is confined to the Gulf route. The latest authority that I have read on that subject says that some of the densest fogs known are in the Red Sea in which, at the time, the temperature was 93 degrees in the cabin of the vessel.

Hon. Mr. SCOTT—The vessels that take the southern route across the Atlantic are not subject to collisions with icebergs in the same degree.

Hon. Mr. DRUMMOND—Certainly not.

Hon. Mr. SCOTT—In view of the large sum of money proposed to be paid for this service, if it does go into effect, what are to be the compensating advantages to the country? Is the mere fact of our having the glory of a fast line to compensate us for an expenditure of seven hundred and fifty thousand dollars a year?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. SCOTT—I do not know that it would add very much to the material wealth of this country to have that fact known. Nor do I believe that it would be the means of attracting a sufficient number of passengers to make it pay. If it did, surely those who are familiar with the traffic would have been prompted by this subsidy, those who are going to be injured by the establishment of the fast line. This line, I understand, is to be a weekly one. It is not to be supposed that our mails will lie over 6 days to go by the fast line. They will either go to New York, as they do now, or by another line on the St. Lawrence. We get now three, four and sometimes five mails a week. I suppose that condition of things will continue, and this one steamer a week will not take the whole of the Canadian mail. Then, in reference to the passenger travel, I should be very glad indeed to feel that it was going to attract passengers from the United States, but we know very well that people like variety, and that our own Canadian people perhaps go one way and return the other, and vice versa, and though we have such steamers as the "Vancouver" and "Parisian," Canadians go by New York and probably will continue to do so. The question for us to consider is whether the investment is one that will pay—whether the country will have an adequate return for the large outlay. Is it going to be a substantial benefit to the agricultural classes of this country? Because the mere passenger travel of the country will not compensate for the enormous outlay. It is like giving a premium to each individual who goes by that line. It is, perhaps, unnecessary to discuss this matter at any length, because up to the present time we have not seen any evidence that, even with this $750,000 a year, the English investor was willing to put money into it, because it was very well known for months before the meeting of Parliament that this offer was to be made. It was recognized that if the Government agreed to give this amount, Parliament would vote it, yet as far as I can learn from financial sources, investors have not been ready to come forward and put their money into the undertaking. I think it would have been very much better if we had given a less subsidy to the existing lines. As I understand, they were ready to give a 16 or 17 knot service for a considerably less sum.

Hon. Mr. ANGERS—No.

Hon. Mr. SCOTT—It has been so reported from time to time, and I think it has been admitted that the Allan line, and possibly the Dominion line, were quite willing to give a service of 16 knots an hour for an amount considerably below this sum. It is worthy of consideration whether it would not have been wiser and more prudent to have favoured those who have already furnished us with that service than to have invited the formation of a rival company, which if it goes into operation must have the effect of considerably destroying the capital invested in the existing lines.

Hon. Mr. BOULTON—I cannot let this interesting subject pass, where $750,000 a year is concerned, without expressing my views upon the advisability of granting such a sum as a subsidy for a fast line between a Canadian port and a British port. It seems to me that there is going to be no commensurate advantage for the very large sum that is being voted. The advantage will accrue

largely to cities, where the population is sufficiently wealthy to travel across the Atlantic, and it will benefit more especially Chicago and other western points. I have no doubt it will draw a certain amount of travel through Canada. Whether that travel is likely to be a compensating advantage for the expenditure of so large a sum is doubtful. There is another consideration worth while putting before this House. It is the question of developing a trade between Australia and Great Britain through Canada. Up to the present time the trade route for Australia has been by the Suez Canal. On that route there are two lines of steamers. One, the Orient, the other the Peninsula and Oriental. These two lines of steamers have been subsidized by the Australian Government and the British Government jointly to the extent of $900,000 per year, divided between the two companies. It is desirable that the competition on the trade route between Australia and Great Britain should be diverted from these two lines, to the proposed line making the Canadian Pacific Railway a portion of the through route.

Hon. Mr. POWER—I presume those steamships the hon. gentleman refers to go through the Suez Canal from England and Australia. There is no breaking of bulk.

Hon. Mr. BOULTON—There is no breaking of bulk on the Suez Canal route so far as freight is concerned. There is for passengers and mails at Brindisi and Naples. The mails and passengers are brought from India to Brindisi by one line and to Naples by the other, and from there go through to Great Britain. Now the passengers and freight go on to Malta and Gibraltar without breaking bulk. But what I wish to draw the attention of this House to is the fact that that has been, up to the present, the trade route for Australia for passengers and mails. Now I do not see that we can hope to divert through freight of a heavy character across Canada, but we certainly can divert the passenger travel of Australia and the mail accommodation to a very great extent by assistance such as this subsidy is intended to afford, and instead of taking power, as this bill is doing, to enter into a contract with a company merely for the purpose of establishing a fast line between Quebec or Halifax and Great Britain, that if it were made a part and parcel of a subsidy in which Great Britain and the Australian governments unite in order to ensure a fast service between Australia and Great Britain over the Canadian Pacific Railway, a very large portion of Canada would be benefited thereby. The route between Australia and Great Britain by the Canadian Pacific Railway is a shorter route than the route by the Suez Canal; that is to say, the steamers that leave Australia and deliver the mails in England take about thirty-one days to do so, and we can do it by an improved service between Australia and Great Britain in 28 or 29 days. They talk of 26 days, but that is an exaggeration. At any rate 29 days without any mishaps would be a fair allowance for the time on a route through Canada. If that is the case, there are many advantages in favour of our route on account of it being a quick route, and on account of the variation in the mode of travelling. It is not one continuous journey of 31 days on the steamer, but you cross Canada by rail, and for that reason it probably would become a favourite line for the Australian people, and any trade or travel of that population that we can divert across Canada, must redound much more to benefit of the country as a whole than merely drawing a portion of the travel from the west and entering into competition with the United States' lines. It is for the purpose of drawing the attention of the Government to this fact, that the subsidy could be very much better applied in conjunction with the Australian Government and the British Government, that I have made these remarks. It is quite possible that a subsidy of $750,000 would not be required with the joint assistance of these governments to carry it out. I think the country will feel the burden of $750,000 a year an excessive one if it is merely for the purpose of encouraging the passenger travel between Canada and Great Britain and speedier mail accommodation, and therefore I hope the Government will take into consideration the question which which I have raised. I bring it forward from a western standpoint, because if a subsidy of that kind will assist in giving us faster accommodation through the whole of Canada, I am sure it would commend itself very much more favourably to all those who are dependent upon the traffic of the Canadian Pacific Railway in order to get the best accommodation. The joint passenger travel,

mail and express matter of Australia, Great Britain and Canada would justify a Flying Dutchman across the continent, on the Canadian Pacific Railway metals, and trade must follow it. There is one thing I feel sure of, to make a fast line pay we will have to let down the bars for trade to flow freely at both ends.

Hon. Mr. DEVER—Before this motion is carried, I should like to say that I think the last speaker brought a question before us that deserves a great deal of consideration. It strikes me that if $750,000 is going to be spent, it should only be in aid of a line from Great Britain to the Maritime Provinces, thence across the continent to Vancouver, and thence to Japan and China and probably to the British possessions in the far east. It might be an after consideration whether the Australasians would consider it in their interest to avail themselves of a connection with that line. I think it is possible they might, but the great object at present is to see that such a line will pay the Dominion of Canada, and whether the Dominion of Canada, as a whole, will be satisfied to give so large a subsidy as $750,000, especially when we know there are two large portions of the country which are both anxious to secure the landing of this line of steamers at their respective ports. It is well known at present that there is a great diversity of opinion. Supporting the Government of Canada there is a very extensive influence in Nova Scotia in favour of Halifax. We know that our First Minister is a Nova Scotia gentleman. We also know that Sir Charles Tupper is an influential member of the cabinet, and that two influential members represent the city and county of Halifax. A large influence is brought to bear in favour of making Halifax the winter port of Canada. Well, if Halifax is the proper port, I suppose we will have to submit to it, but the people of St. John and the people of New Brunswick do not think that Halifax is the right port. We are all aware that St. John has been, and is, the greatest shipping port in the Dominion of Canada to-day, excepting Montreal, and Montreal is only a shipping port during the summer season. On the other hand, the port of St. John is open the year round, and the only objection which would be found to it is that periodically it is visited by fogs, but the same fog that is at the city of St. John it is well known envelopes Halifax and all the eastern shore of Canada up to the Baie des Chaleurs. To show you that this is not a statement dictated by any spirit of rivalry, or envy, or opposition to Halifax, with your permission I will give you the report of disinterested parties, showing clearly that this very season no less, an interference with the traffic and mails and passengers at Halifax than three or four days took place at one time, owing to a flow of ice from the north shore preventing the possibility of the mail steamers and others approaching the harbour; whereas at no time of the year is there any interference whatever with the port of St. John. There has never been a time when the port of St. John was not open summer and winter. We are all willing to admit that the port of Quebec and the port of Montreal are very superior ports, but only in the summer season. Both are closed for six months of the year, and steamers must repair to some open ports. There are only two such ports, Halifax and St. John, and the question arises which of these should get the preference, which is the superior port? We hold in New Brunswick that the port of St. John is, and we would be very much dissatisfied if the port of St. John, which is just as convenient as Halifax, were overlooked. Taking the land which intervenes between St. John and Halifax with the sea voyage, precisely the same time can be made to the one as to the other. I have here a statement made by proper authorities, showing that there is no difference between the port of St. John and the port of Halifax, taking into account the distance from Halifax to St. John that would have to be travelled on land. I might point out also—but I do not know that it applies to this matter—that the port of New York even is not as free from faults and obstructions as the port of St. John, and I hold in my hand a very short paragraph written and sent forth by authorities at the port of New York, not by enemies but by officials and friends, showing that even at New York there is a greater and often a more powerful obstruction to ships going into that harbour than even the port of St. John. This very spring at the port of New York such a fog prevailed from Eastport to Fire Island, the approach to the port of New York, that steamers had to lie outside many days before they could enter the harbour. That does

not occur at the port of St. John. I wish that the people of Canada would get more familiar with the statement that I am making than they really are. There is a deplorable want of knowledge of the real value and the grand opportunities that St. John presents as a winter port at all events for this Canada of ours. It would have the advantage of being permanent, of being always open, of being nearer to Montreal by land than any other port. I have heard hon. gentlemen say that there are other ports on the coast of Nova Scotia nearer to Quebec and to Montreal than Halifax. Now I deny this, because the very same fault that applies to the port of Quebec and the port of Montreal would apply to any port from Halifax to Quebec; and the freezing up of the Straits of Northumberland and all those waters would naturally, in the winter time, obstruct the navigation there. Therefore I would humbly submit that every gentleman having an interest in this matter should study the geography and the natural drawbacks and natural advantages of the respective ports of this country before deciding to bring pressure to bear on the Government to make contracts that would not be beneficial to the whole of Canada. In New Brunswick we do not seek to obtain any advantage or bring any pressure to bear on the Government of Canada that we cannot sustain by the advantages arising out of our port. We have these advantages; and if I did not think I would trespass upon the patience of the members of this House, I would take the opportunity of reading extracts from reports made by men who have made a special study of the subject and have set the advantages forth mathematically in such a way that no contradiction is possible. But I will be satisfied if hon. gentlemen will accept the statements I make. If they wish to have them verified they can read these reports from the boards of trade and insurance companies which have set forth the advantages of St. John as being a cheaper port to insure in than any other. Now all these things are great considerations before the people of Canada; because, after all, I hold it is the people of Canada who should decide this important matter. If the Government decide it, as we believe they have a right to decide it, in favour of the most important port and the one that will give the greatest advantages, we will not have a word to say and will feel that it is right, but if it is decided through certain influence, and through the neglect of certain gentlemen who ought to have an interest in this matter, we will feel aggrieved. I thought it my duty to bring these statements before you, and I hope the Government will give them careful consideration before making a contract with any company that will not do justice to the whole of Canada.

Hon. Mr. CLEMOW—No port has been decided upon up to this time. I have no doubt the Government will take everything into consideration and decide the matter in the best interests of the country.

Hon. Mr. ANGERS—The company will.

Hon. Mr CLEMOW—I am glad the Government have introduced this bill. I was surprised at the leader of the Opposition decrying the navigation of our own waters. It has been said that the St. Lawrence is the safest route of any. There have been no accidents there. It is also stated that the Allan line and other companies should have tendered for this service. They had every opportunity of doing so, but they have been a long time engaged in the business; they are tired of it and want other men to take hold. They had ample opportunity and why did they not do it? This everlasting decrying everything connected with the country is most astonishing to me. There certainly could be no great danger in navigating the St. Lawrence; it has been navigated in safety for a great many years. At first the Allan line did meet with some difficulty, owing to the fact that they placed men on board their steamers from sailing vessels who were not acquainted with the route, and they did meet with misfortunes, but for a great many years we have had no accidents on that route. I think this fast line will do more to advance the general interests of Canada than anything that has been accomplished in the past, except the construction of the Canadian Pacific Railway. We heard the same exceptions taken, and the same opinions expressed regarding the possibility of the Canadian Pacific Railway being a success, but we know that that road has been a very great success. We know that all sorts of difficulties were pointed out during its construction,

but the promoters proved themselves equal to the occasion and the road has made Canada what it is to-day, and with this fast line of steamers, we will be able to say that this country has the longest railway, the largest canals, and the best line of steamers, and that will be a grand thing for Canada. I have no doubt it will be successful as a financial undertaking. It will be impossible to foresee what it will accomplish. These men know what they are about, and they want no assistance from this Government except $750,000 a year. We are paying some $400,000 for a trifling service, and it does not end there. The post office authorities pay a large amount of money to the Cunard line and other lines in New York, and I believe we are paying more than the $750,000.

Hon. Mr. POWER—Oh, that is absurd.

Hon. Mr. CLEMOW—However, I think the country can well afford to pay the $750,000. When this line is completed, passengers will travel by this fast line, and travellers going through the country will sail on our vessels, and we will reap great advantages. It has been a dream of mine that we should have this line, and now we will have it.

Hon. Mr. POWER—Behold the dreamer!

Hon. Mr. CLEMOW—When the Allan Line was commenced we thought it would not produce a revenue, but what has been the result? They have made money and now they can turn their steamers over to some other profitable employment, and I believe they will find it equally advantageous, but if they thought proper they might have tendered for this service, and I believe had they tendered they would have been given the preference over comparative strangers, but they did not desire it, and the Government are justified in taking the offer that is before them. I hope they will lose no time in carrying it out and give the country the benefit of the fast line across the Atlantic. Then, in conjunction with Pacific steamers and the Canadian Pacific Railway, we will have the greatest highway from east to west and should feel proud of it. I have never decried the country and never will, but there are men who decry the country all the time; not satisfied with decrying the country they now decry the waterways of the country, which is just as bad. I hope this service will be carried out with as little delay as possible.

Hon. Mr. KAULBACH—It is quite evident that notwithstanding the strides of material progress which Canada has made, the people are not satisfied with what they have accomplished. It rejoices that at length we are likely to have a steamboat service on our Atlantic equal to the best, which is, as I believe, destined to be the Imperial highway and the basis of the hoped for Imperial unity. Mr. Hubbart's enterprise, courage and success in initiating the Australian service justifies the belief that we will have a service specially fitted for the carriage in a chilled state of such of our natural products as meat, butter, cheese, eggs and such perishable dairy and other products as our farmers produce. I am not going to discuss the merits of the different routes. That is not a question for us at present. I believe Quebec will be the summer port, but the terminus in winter is not determined upon. Whether it be the port which the hon. member from Montreal spoke of, which I am familiar with, or whether it be Halifax or St. John is not for us to determine now. The question for us to determine is whether it is in the interests of Canada. Is it in our interests as a part of the Empire? Are we going to be equal to the grand position we hold in the empire, to assist in consolidating it in the way this line will do? We have the Canadian Pacific Railway and we have to a large extent the communication on the Pacific, but we must admit that on the Atlantic we have made no progress at all for the last ten years. We are a progressive people, and are proud of a progressive Government. We must keep up with the progress of the age. Cheapness is not all important. Time is becoming a greater consideration, and good-enough won't do; even our go-ahead fishermen will have the fastest and the best crafts. I will assume that the people who undertake these enterprises know more about this matter than myself or the leader of the Opposition. Those who invest their money in such ventures are best capable of determining whether it is an enterprise in which they should embark their money or not, and I am not with any man who will stand up in the House and decry Canada or her interests. The leader of the Opposition has always been a pessimist. He

prophesies its failure as he has done every great public undertaking ; there is no better way for him to show how pure he is than by his falsely stating the dangers of our coasts and its approaches being beset by fogs and icebergs. He was so when the Canadian Pacific Railway was proposed, and I believe his object was to embarrass the Government. He said the road could not be built in forty years, that all the money of the British Empire could not build it ; and he has since then become one of the most zealous advocates of the Canadian Pacific Railway. The capabilities of the Canadian Pacific Railway will not be fully realized until we have the whole connection from England through this great highway of ours across the Pacific to Australia, Japan and China and probably round the whole world. It may be the ultimate connection—and I believe it will be by the Suez Canal. Our people do not believe in standing still. We want something more. Some people say, "Oh, well, this is good enough," but we want the best of everything in competition with other countries. The benefit to the farmers alone will be equal to the subsidy, and the cash disbursements for coal, provisions and many other things necessary to be purchased at the maritime ports will be equal to the subsidy. I do not believe there is anything which will tend more to help us in developing this country, to boom the growth of Canada and stimulate trade, to make us the centre of this great empire. It not only helps the defences of England throughout her vast Empire in her armament and navy, but it is a source of great protection to us because we, by our geographical position, being the centre of the great organization of the empire, are made stronger and we centralize in ourselves all the power of the empire. No man having the ambition of a Canadian and the enterprise which every Canadian should have would be disposed to belittle his country to be first, last and always opposed to Canadian enterprise and progress. We know that boards of trade in Halifax and St. John and the people everywhere have been looking for this fast service. Why, even the *Daily Telegraph* of St. John, one of the leading organs of the Opposition, was ready two years ago to give up the Intercolonial Railway to a company that would accomplish this great work of giving us a fast line of steamers on the Atlantic. In every way it is for our interest. In Canada we are at the apex of civilization. The great advantages of Canada are becoming known throughout the world. We can see the interests of the British Empire centred in Canada. On the horizon we can see the great and boundless possibilities of the future expanding before us. We can see it in the delegates who met here from all parts of the empire and who looked upon this enterprise as of more than colonial importance. We can see the great advantages that are to accrue to Canada and we will not be satisfied until we have accomplished all that we are destined to become in the Empire.

Hon. Mr. POWER—This is a very important question although some hon. gentlemen seem to think it a light matter. We are asked to take a leap in the dark. The hon. Minister has not given the House the information we should have. One of the most vital points is what will the Government require the company to do. The hon. Minister has not vouchsafed to us much information on that point. All he told us was that the ships of the company should have a steaming capacity at sea of 20 knots. He has not stated what speed the agreement provides for, or that the agreement provides for any average length of a trip. I should like to know if the agreement does contain such a provision, because otherwise the fact that the company owns steamers which could make 20 knots in mid-ocean would not guarantee a fast service at all.

Hon. Mr. ANGERS—The provision is that the vessels should travel on the long course at 20 knots. If reference is made to the letters published by Mr. Huddart in *The Times* and which contain the terms of the agreement with the Government, it is to be a fast line, and every one knows that a fast line is steaming at 20 knots an hour at sea.

Hon. Mr. POWER—The hon. gentleman evades the question. He says the vessels are to have a steaming capacity of 20 knots at sea. That is not the information that I want. We have a right to have the documents before us to see what the company undertake to do. The Government have no right to ask us to assent to this proposition until we know what the arrangements are.

Hon. Mr. DRUMMOND—Are the arrangements complete?

Hon. Mr. POWER—The documents have not been laid on the table of this House.

Hon. Mr. ANGERS—They have been handed to the clerk.

Hon. Mr. POWER—We should have them on the table of the House.

Hon. Mr. ANGERS—They were laid on the Table. The hon. gentleman has no right to say that they were not.

Hon. Mr. DRUMMOND—We are speaking to the bill which is now before us and the bill reads that the government may enter into a contract. I say if they have already entered into a contract which they could place on the Table of the House, they are deceiving us. I do not believe they have; this bill is to give them the power to do so.

Hon. Mr. POWER—I think I have a fair comprehension of the English language, and I do not think the hon. Minister or any one else can say that I have ever been intentionally rude to any member in this House. I said the papers were not on the Table of the House.

Hon. Mr. ANGERS—I say they have been placed there.

Hon. Mr. POWER—When the Minister said the Clerk probably had them, I said that that was not satisfactory to me. The information is not here. We are asked to assent to a vote of $750,000 a year towards an undertaking the nature of which we do not know. There has been no contract signed, I presume, but surely there must have been an offer made by the party who proposes to make the contract. I understand that in the other House the offer was submitted, and it should be laid before us here. It is a matter of vital importance whether the company is to average 20 knots an hour on the passage or not. The company, even if the vessel is capable of making a speed in mid-ocean of 20 knots, does not give us a guarantee of a much better service than we have now. I am satisfied that the present lines would be willing to guarantee an average of 17 knots in mid-ocean for a subsidy of $500,000, and if we are going to vote a quarter of a million dollars more, we should have a guarantee that we are going to get something for the additional sum. That is a perfectly reasonable thing. We ought to do business like business-like men, and no business man going into an undertaking of this sort, would be satisfied with language like this, that the steamers should be capable of making 20 knots. If we are to have a fast line we must have a guarantee that the vessels should make the average time from port to port of 20 knots.

Hon. Mr. DRUMMOND—There is nothing in the bill about 20 knots.

Hon. Mr. POWER—I know there is not, but the thing is predicated on the line making 20 knots, and if we are not to have a 20 knot service, there is no foundation for the subsidy at all. What was the argument that my honourable friend from Rideau used to induce the House to assent to this proposition? He said let us do this, and we shall have not only the longest railway in the world, the biggest canals in the world, but the fastest steamships in the world. All these things are very fine, but they do not put a great deal of money into the average taxpayer's pocket. I was reminded by the hon. gentleman's remarks of something O'Connell once said which elicited tremendous cheers. At one of those open air meetings which O'Connell occasionally held a stranger was present to whom O'Connell said he would say something that would bring forth the greatest cheers that this stranger had ever heard. He stood upon the platform and spoke three sentences the last of which was, "Your hills and your people are the greenest in the world." The crowd shouted "Hear, hear! We are, we are." Although the hon. gentleman's colour is not green he wants us to cheer because our railways are the longest and our canals the largest in the world, but that is not business. We are talking about voting seven hundred and fifty thousand dollars a year subsidy to a fast line of steamers, and the height of our mountains and the length of our rivers and railways has very little to do with that. This transatlantic service has a long history in Canada. While the Intercolonial delegates were here we celebrated the fact that the first steamship which crossed the Atlantic propelled solely by steam, hailed from the port of Quebec. The first steamship company which established a regular service

across the Atlantic, the Cunard line, was a Nova Scotian company. From about 1840, when the Cunard line was established, to the present day very large sums of Canadian capital have been invested in steam communication with the mother country. At the present day there are half a dozen Canadian lines. There are two or three very well known and important lines, particularly the Allan line and the Dominion line. It has been said that there was a great demand for this fast service. I am not aware that there was a great demand on the part of the country for it. When word went out that the Government proposed to increase the subsidy there were demands from certain places that those places should be made the terminal ports of the line when established, but I am not aware that there has been any demand from the people of this country for this fast service for which an immense subsidy is to be voted. No evidence has been furnished to this House that there has been any such demand. We are in this position, we have existing lines. The principal object, one would suppose, in establishing very superior steamship communication with the mother country, would be the carrying of our products to that market in the most satisfactory and the cheapest way, and bringing back goods from the mother country promptly and at reasonable rates of freight. Is this proposed line required for that purpose, or if we had it would it supply that want? Every one knows that although people talk about these greyhounds carrying an immense quantity of freight, the lines which run from New York, where there is the greatest inducement to carry freight and where there is a great quantity of freight to be found, do not carry over a thousand tons of freight each. They would do it, but you cannot combine speed with a capacity to carry a large amount of freight. The people engaged in the business, whose interest it is to combine speed and freight capacity, have never yet been able to do it. You cannot combine very great speed with very large freight accommodation. As a matter of fact, there has not been sufficient freight of the character required to enable the Allan and Dominion lines to do a profitable business for the last few years. Their business just now is not a profitable one. The hon. gentleman from Rideau division said that the members of the Allan company had become old men and that they felt like leaving the business to younger people. It is not improbable that the Allans would be willing to sell out if they got a good price, for the reason that their business does not pay as well as it did. If, with all their experience, they cannot make the business pay, it does not seem to me to be reasonable that Mr. Huddart, who knows nothing whatever about the business of Canada, is likely to make the business pay in the way of freight. As to the other question of mails and passengers I shall say something later. There has been a good deal said about cold storage. The owners of the existing lines say that they fitted up some of their ships for cold storage, and that they did not get sufficient freight to send over, so that there is very little in the talk about cold storage. There is this feeling, no doubt, that while our steamships of twenty or twenty-five years ago, were pretty nearly up to the proper standard, of late years the advance elsewhere has been considerable, and our lines have stood still, and we should have a quicker service for passengers and mails. With a view of securing that quicker service, we passed an Act in 1889 which this bill before the House is intended to amend. I think probably we acted wisely in offering an additional sum in order to secure a better service. I said when that subsidy measure was going through this House that we made a mistake in the terms of that offer, that we left it open to the Government, as it is left open in this case, to fix the rate of speed. There was an understanding then that the speed should be 20 knots, as there is now. At that time had it been understood that a service of 16 or 17 knots would have been sufficient, we should have had such a service between Montreal and Liverpool during the last three years. One of the conditions imposed by the Act of 1889, and which is continued in the measure before the House, is this, that there shall be a fast weekly steamship service between Canada and the United Kingdom, making connection with a French port. I believe that that provision, which was objected to by some members of this House when the measure of 1889 was going through, is one of the things which helped to prevent any contract being made. I am not saying anything now as to the de-

sirability of a connection with France. It is a very desirable thing that we should have steamship communication with France, but the misfortune with that measure and this measure is that both of them combine two things which are incompatible one with the other. If this steamship line is to call at a French port before going to an English port, then there cannot be a fast line—I mean you cannot get the quickest communication between England and Canada and you cannot compete with the New York service. On the other hand, if the steamships go to England first and then there is a cross-line from the English port to a French port, freight carried by that route would as has been stated by the Minister of Finance within the last two or three days, be subject to the surtaxe. So the conditions contained in this measure are incompatible with a satisfactory service. The result has been seen. The conditions imposed by the Government were such that during the five years which have elapsed since the passage of that measure, no Canadian company has been in a position to take advantage of its terms, and up to the present time no other company has taken it up. One would think that the reasonable thing for a country like Canada, with a population of 5,000,000 and not a very wealthy population, finding that its transatlantic mail service was not quite up to the proper standard, would have been to have secured a greater speed within a reasonable limit, but we have not been content to do that. If we had done so in 1889, this country for the last three or four years might have been enjoying a much better service than it has had. It has been stated positively time and again that the $500,000 per year would have secured a service of 16 or 17 knots from one of the existing Canadian steamship companies. I think to-day that that would be the wisest course to pursue. We could have had a guarantee of an average speed, something better than an undertaking that the vessels would be able to make 20 knots on the ocean.

Hon. Mr. MACINNES (Burlington)—The suggestion of the hon. gentleman reminds one of the man who owns a horse that is just fast enough to lose all the races. That is the position we would be landed in.

Hon. Mr. POWER—I do not really see the point. We are not racing. We were not talking about horse racing, or about steamship racing. We want to get a thing which will suit us; a thing which suits New York will not necessarily suit us.

Hon. Mr. KAULBACH—We want the fastest and the best to satisfy us.

Hon. Mr. POWER—This would have been a much better service for this country and carried more passengers and larger quantities of freight at reasonable rates. We might have had that service for the subsidy which we offered, and we have not got it, and now we are asked, without any guarantee that these steamers will make this average speed of 20-knots, to vote $750,000, which we know cannot go to any Canadian concern. I cannot understand how hon. gentlemen who have for years been advocating the National Policy on the ground that we ought to help our own people and do everything we can to further and improve our native industries, can come down to this Parliament with a measure which is intended to strike a deadly blow at one of the most important industries of Canada. Hon. gentlemen may laugh; is it not stated by the owners of these lines, that if this subsidy is granted to Mr. Huddart's line it will be a very serious, almost a deadly blow to their business, which at the present time is not a paying business?

Hon. Mr. KAULBACH—We must consider the interests of the whole of Canada, and not of any one company.

Hon. Mr. POWER—When it is a question of developing the interests of some cotton mill or sugar refinery, hon. gentlemen do not tell us that we must look to the interests of the whole people of Canada, If we looked at the interests of the whole people of Canada, the vast majority of whom are consumers, we would not have the high duties on the clothes that the people wear. The national policy is that you shall build up Canadian industries. I say that those steamship lines are one of the most important of all Canadian industries, and we are asked here to take money out of the treasury for the purpose of destroying those industries. If that is not an inconsistency on the part of hon. gentlemen who advocate the National Policy then I do not know an inconsistency when I see it.

Hon. Mr. PRICE—The Allan line is not owned in Canada.

Hon Mr. POWER—Some of the owners are not in Canada, but the head office is and some of the owners are here. Some of the owners are in Scotland.

Hon. Mr. PRICE—Largely.

Hon. Mr. POWER—Yes, and I believe it is the case with the Dominion line, but the head offices are here and some of the partners are here. I imagine that a good many of the stockholders in the alleged Canadian industries that we have heard so much about, do not live in Canada. I happen to know with regard to the Cordage Company that a great many of the shareholders who control it live in the United States.

Hon. Mr. KAULBACH—It shows what confidence they have in Canada.

Hon. Mr. POWER—The hon. gentleman may have confidence in them, but I do not think I am expected to show the same confidence in everything he says. I have been betrayed, perhaps, into just a little more warmth than I should have shown, but it is one of those things that are calculated to stir one's blood. The hon. Minister undertook to give us evidence that this would be a paying enterprise. He asks this question —will this be a paying enterprise? He answers the question in the affirmative. It is a very singular thing that although this offer of $500,000 has been before the world for five years, no one has attempted to take it up. It is understood that the offer of $750,000 has been before the steamship people for several months but none of them have as yet taken hold of it. All we know is this, Mr. Huddart, who I believe is not a man who controls a vast amount of capital, has been negotiating with parties in the old country, as the Government had negotiated fruitlessly before, and I think probable his negotiations will be in the end as fruitless as those of the Government were. He has been negotiating with steamship people and up to the present time has not succeeded in getting any one to undertake to carry out this enterprise. That is the best evidence that the enterprise is not a paying one. Money is not scarce in England at the present time, and has not been for some time. The only witness the hon. gentleman brought forward to prove that this would be a paying enterprise was the President of the Canadian Pacific Railway Company. When it is a question of entering into an expenditure of several millions of dollars, and you have to rely on the evidence of outside parties to judge whether that step is to be a wise one or not, I think we ought to have disinterested witnesses. If there is a man in all Canada who is interested in having this line established it is the President of the Canadian Pacific Railway Company. Whatever effect the increase in the number of passengers may have, and even the speedier carriage of the mails, on the rest of the country, there is no doubt it will be a benefit to the Canadian Pacific Railway Company. Their through passenger traffic will be increased, and the quantity of mail matter carried will be increased, but I do not think there is a great deal for Canada in that, and for that reason we should not be governed very materially by Sir William Van Horne's opinion. Hon. gentlemen will remember that we are asked to make this vast increase to our expenditure just at a time when our revenue is falling. The revenue during the year which has just expired was about $2,000,000 less than the year before, and the revenue for the current year will be considerably less. When the country is threatened with a deficit is not a time to cheerfully undertake an enterprise of this kind, unless it is absolutely necessary. I have not said anything about the difficulties of the Canadian route, but I do not think there is any reason why, when one is talking of a business matter, he should not talk of it in a business way. Why should we ignore the difficulties which exist?

Hon. Mr. KAULBACH—We will scare capitalists from going into it.

Hon. Mr. POWER—Capitalists are not like my hon. friend. As a general thing, before capitalists undertake to invest money they inform themselves as to the investment. They do not take what my hon. friend says, or what I say, as evidence. They inquire for themselves and ascertain the facts. Is it not known in the first place that you cannot run steamships up the St. Lawrence during the winter months? Is not that admitted? Is it looked upon as running down the country to admit that well known fact?

Now, that is business, and it is a very important fact in this matter, because it means that the company, if one is found (and it is one thing which would make it more difficult to get a company) cannot have the same terminus all the year round—that is unless the people of the upper provinces are satisfied that the terminus during the whole year shall be in the maritime provinces.

Hon. Mr. McCALLUM—Oh no.

Hon. Mr. POWER—I knew the hon. gentleman would say no. There must be two termini. With respect to the difference between St. John, Halifax, Terminal City and Louisburg, that is a matter which can safely be left to the company that is to perform the service. They will naturally select the best port, and they should be allowed to do it. The passage through the Straits of Belle Isle is a very dangerous passage at certain periods of the year. The Gulf of St. Lawrence is well lighted now, as it was not some years ago ; and shipwrecks do not occur in any considerable number. When steamers come through the Straits of Belle Isle and strike fogs or encounter ice, they have to slow down. They have to do so, and your ocean greyhound has to slow down like an ordinary steamer.

Hon. Mr. ANGERS—I have taken that into account.

Hon. Mr. POWER—In going to St. John and Halifax, they will have difficulties to encounter. The greyhounds running to New York keep at least 150 miles south of the ordinary route of steamship travel, and in that way escape a great part of the fog and run little risk from icebergs. So we have to look at the facts as they are.

Hon. Mr. KAULBACH—That is for the company to look at, not for us.

Hon. Mr. POWER—Certainly, but we have to consider the difficulties in the way. There is just one observation which I should like to make. I made an appeal here the other day for aid to a railway line which I stated would benefit a large part of the province of Nova Scotia, particularly the city and county of Halifax. All that was asked to secure the construction of that line was a total grant of something less than $200,000. The Government felt that the finances of the country were not in such a condition as to allow them to make that grant. I presume that is the ground taken. I have no hesitation in saying that the construction of that road would do infinitely more good to the city of Halifax than even becoming the terminus of this fast line during a portion of the year, if this fast line be established, because the thing which benefits a place most is not passengers and mails. A railway would bring freight into the city, and would bring people who wanted to buy and sell, and this fast line would bring neither freight nor people who wanted to buy and sell ; it would simply bring mails and passengers who would pass through leaving very little money in Halifax, and to my mind it is a great deal better for the city of Halifax that the present steamers which call and bring considerable quantities of freight should continue to do so, than that the greyhounds should come there which bring almost no freight.

Hon. Mr. ANGERS—I wish to say one word of explanation in relation to an interruption which took place when the hon. member from Halifax was speaking. I said that I had laid on the Table of the House the papers in connection with this bill and in connection with the transactions that the Government have had with Mr. Huddart. I repeat the statement : several days ago I brought down the papers and put them on the Table of the House, and I see them now scattered there. The hon. gentleman could have obtained them at any time and not put himself in the position of contradicting the statement I made, which was true.

Hon. Mr. POWER—I said they were not on the Table, and they are not visible on the Table.

Hon. Mr. ANGERS—When a member says in this House that the papers have been brought down and put on the Table, does it mean that they have been put under his nose or communicated to the House? Hon. gentlemen, I refuse to accept such an excuse. Now, the plea which has been made before us here, is a plea of the Allan and the Dominion lines, and the other companies of the St. Lawrence. What we have read in the papers concerning this enterprise, that the people would lose

their money, that there is no trade for them, and that the enterprise can not be successful, we have heard to-day from the mouth of the hon. gentleman opposite. Had the hon. member from Halifax been the solicitor for those opposing interests, he could not have made a plea more in keeping with what they have published in the papers. Is the Government doing an injustice to those companies? Did we not give them the opportunity of entering into this enterprise? More than five years ago the contract was open to them. They made proposals to give us a service of 16, 17 and 19 knots on one occasion, but what did they want? Not $500,000, not $750,000, but over a million dollars of a subsidy. It has been said that we neglected to give sufficient information. The papers have been laid on the Table of the House and everybody knows the facts. It is intended to build four steamships for the Atlantic service with a tonage of between 10 and 11,000 tons and with a sea speed of 20 knots. To men engaged in shipping matters, what is meant by that? Could anybody be justified in taking refuge, as was done a minute ago, in the excuse that the document is not on the Table of the House. When you say, "with a sea speed of 20 knots," and when you speak of a swift line, there is no intention of having that speed reduced. But it would mean that we desired to make the Canadian line the swiftest, and, I may say, the safest in the world. Now, it has been stated that we have not the safest route. I am not going into details; everybody has read the debate in the House of Commons, and everybody familiar with the St. Lawrence knows how it has been described as to its safety. More than ninety lights have been put in the St. Lawrence from the entrance to the Gulf to Quebec, and, as I said before, when you lose a light astern you have a light on the bow. This has had a result on the navigation of the St. Lawrence which is more eloquent than the denial of the hon. member from Halifax; it is that for the last twenty years not one mail steamer has been wrecked in the St. Lawrence. It was stated in the other House, everybody knew of it, but nobody pointed it out here until we were forced to do so as a rebuttal of the calumnies directed against the safety of the route.

Hon. Mr. POWER—If the hon. gentleman refers to me, I beg to call him to order. I never said it was dangerous. The hon. gentleman has no right to put words in my mouth which I did not utter. I said they would have to slow up going through the Straits of Belle Isle and other places where there were fogs and where there was ice. The hon. gentleman might answer my argument.

Hon. Mr. ANGERS—The hon. gentleman has enough to be responsible for without putting anything in his mouth. It was stated that the St. Lawrence was dangerous and you had to slacken speed near shore, and when I gave the figures of the time which would be made on this route I deducted so many hours upon every day to allow for nearing the land on this side and nearing the land on the other side; so that the argument is of no value at all. Now it has been said that nobody will take up this offer. If every public man in this country were to cry down this enterprise and to say that no money could be profitably invested in the Atlantic service of Canada, if the legislation were opposed in such a way as to make it unsuccessful, undoubtedly, the gentlemen interested in promoting this scheme would not succeed. But so far, although the subsidy is not authorized yet by Parliament, Mr. Sexton White, the eminent Naval Architect, recently General Manager of the Fairfield Ship Building Company, who designed the "Lucania" and "Campania," the designer for the Cunard line, has undertaken to design and superintend the building of these steamships, and Mr. Sexton White has already prepared plans and specifications, and tenders have been received by us, for the four Atlantic steamships. That is evidence of some important step being taken. Now will anybody connected with business undertake to find the capital of two million pounds before being quite sure that the Parliament of Canada will vote the subsidy? Nobody would undertake it. The hon. gentleman who spoke of getting aid for a railway line a minute ago, has not even had the courage to spend $100 to incorporate a company so as to be in a position to come before Parliament and ask a subsidy. He would like us to give him a subsidy for the road, although there is no company formed.

Hon. Mr. KAULBACH—No survey ever made.

Hon. Mr. POWER—Excuse me, there was a survey.

Hon. Sir FRANK SMITH—I do not look on this question as being so important as do the hon. gentlemen on the other side. The Government simply ask you to intrust them with an additional sum of $250,000 more than you have already granted for the purpose, to enable them to make a contract for a fast line of steamers between the old country and Canada. The Government has had the power for the last five years, and $500,000 has been offered to any individuals or company that would undertake the service, and no company has been found willing to undertake it for that amount of money. The Government do not ask this House to lay down hard and fast rules and bind this country to this extra $250,000 making in all $750,000 per annum, unless in their judgment they can have a good and sufficient bargain with a company or individual who can give them a service equal to what they desire. There is no use, in my opinion, in getting a medium speed. The hon. gentleman from Halifax says that sixteen knots an hour would be sufficient. That would never meet the requirements to compete with our neighbours across the line. If we want any service at all, we want a service that will be from nineteen to twenty knots an hour, and I am quite satisfied that that is what the Government have had in their minds for a number of years. Now all they ask you to do is simply to give them this additional power beyond what you have already granted them. It does not bind the country; unless they get a contract, and good security when they are going to sign a contract that they will have the service, they will be as they have been for the last five years and not complete any contract until they get sufficient security for the money we are about to grant here to-day.

Hon. Mr. McCALLUM—If they do not give you the service they do not get the money.

Hon. Sir FRANK SMITH—If they do do not get the necessary security and the ships guaranteed to go a certain speed in mid-ocean, they will not get the money. We do not suppose any man living can expect a ship coming close to shore to run at as high a speed as she would in the middle of the Atlantic, but simply at a reasonable speed. The reasonable time for her passage, say 5½ days between the old world and Canada, would be satisfactory to most people. I do not look upon this at all as voting away the money. It may never be used, because unless the Government are enabled to accomplish what they desire they will not go into a contract at all. Everything has a beginning and Mr. Huddart is endeavouring to raise the capital before anything of this kind can be accomplished. He may accomplish that and he may not. If he does not succeed, the Canadian Government will not sign any contract whatever, but they are anxious, if they can, to put our country on a par with our neighbours across the line. The hon. gentleman from Halifax should be delighted to think that Canada would make an effort to run steamers during the winter into the port where he belongs. If I lived down there I would certainly be anxious to see it, if we had a reasonable bargain and would receive reasonable value for the money invested.

Hon. Mr. POWER—Hear, hear.

Hon. Sir FRANK SMITH—But you cannot expect the hon. gentleman to approve of anything we propose here. It is not his nature to do so.

Hon. Mr POWER—I approve of numbers of things.

Hon. Sir FRANK SMITH—He wants to oppose and hold down anything that we would suggest, and if we would retire and let him come over here, his party would do everything right. They told us the same story when we were discussing the Canadian Pacific Railroad—that gigantic road which is a credit to Canada. At every step they told us we were wrong. They told us we had no right to build the road all the way, that we should build sections of it and take advantage of the water courses, and in the winter we could cross on the ice. That was their scheme. The fact of it is, they did not know how to build that road, and when men undertook to complete it and put it through as one of the greatest enterprises the world has ever seen, they condemned it at every step, and now, when the Government of this country graciously and wisely has held off this matter waiting for better terms, waiting for more security, waiting for more capitalists to come forward and make these offers, the Opposi-

tion condemn us step by step. Can we propose anything that those hon. gentlemen will agree here to-day? We do not want you to agree to a hard and fast contract. We say leave it to the Government. That is all we ask and if we can arrange with a proper man and obtain the proper vessels and the proper security, then we ask you to give us power to grant $750,000 per annum for 10 years. That is the bargain. If the Government do not get that they will make no contract, and I question very much now, for some years to come, if capitalists will come forward and offer to do it for that money. So therefore the hon. gentleman from Halifax should not be so afraid of giving the power we ask for, simply to add $250,000 per annum, for 10 years, more than you have already been willing they should spend, and give them the power to start a fast line instead of a slow line half freight and half passengers. Let us have it one way or the other, and when a gentleman from this country wants to go home to England he may as well take our own route, and reach destination in good time. Our steamers are to have a speed of 20 knots an hour, and be equal to the best vessels that run from New York. We have drawbacks, but we are trying to meet those drawbacks and place it at a lower port in the winter and further up stream in the summer, and if all these things are taken into consideration, I do not think we should cry down the scheme. We ought to give it a fair trial, and I am sure the Government will not commit the country to that amount of money per annum unless they see that it will benefit Canada.

Hon. Mr. READ (Quinté)—The question is whether this is the shortest way between Chicago and Great Britain by rail and by steamer?

Hon. Mr. KAULBACH—Yes.

Hon. Mr. READ (Quinté)—Then, it being the shortest route, it will command the traffic, if we provide the accommodation. We all know in the present age that it is the accommodation that induces people to travel; it is the convenience and the ease and comfort that you give them. Twenty-five years ago I was discussing the subject with a railway man in England, and he drew my attention to this matter. Now, he said, eventually, if your line is the shortest route between Chicago and Great Britain, you will take the traffic.

Hon. Mr. McCALLUM—And the fastest?

Hon. Mr. READ (Quinté)—No, it does not make so much difference whether the voyage by sea takes more time or not; the shortest route will command the traffic, the conveniences being the same. The next consideration is whether this line is in the interest of the producers of the country. After thinking this matter over, I say that this service is in their interest. Many perishable products will get to a good market if they can be got there expeditiously, and in connection with that it should be the duty of the Government to see that there is a fast refrigerator service to meet the steamers at every trip, so that the goods can be brought to the market in good condition. I have great pleasure in supporting this expenditure in the interests of the producers of this country.

Hon. Mr. PRIMROSE—In the absence of the member for Rideau, the hon. member from Halifax took occasion to administer what I suppose he deemed a very severe rejoinder to the speech of that hon. gentleman, and he illustrated his remarks by an anecdote about O'Connell. I have simply to say that it were well for the hon. member from Halifax and the party with which he is associated, if they had a little more of the spirit of true Canadian enterprise and pluck which stood out in every word of my hon. friend's remarks. The hon. member from Ottawa at one time criticized the position that the Government took with regard to the Canadian Pacific Railway, and yet despite all the opposition of those hon. gentlemen, that road has become a success, and the credit of it is due to this side of the House. It seems to me that there is a sort of missing link if we do not establish this fast line at the other end and have rapid transit between Canada and Europe. I will conclude by expressing a wish that comes from the heart: I hope, in the good providence of God, that the hon. member from Halifax may be spared to see the successful completion of this enterprise.

Hon. Mr. SNOWBALL—I generally agree with everything that falls from the

hon. member from Toronto. I have had much pleasure in listening to him this evening, and I fully agree with most of his remarks. However, it is well in undertaking such a vast enterprise as this, involving the annual tax of three-quarter million on this country, to be cautious and to put on the brakes lightly, to warn the Government so that everything will be done properly. I think we are safe to leave the matter in their hands, with the assurance that they will see that every precaution is taken in regard to the interests of the country. I believe they would take extreme caution, but if we allowed the matter to go through without any opposition whatever, the Government would say, "All are in favour of it; the supporters of the Government and the opponents also are equally in favour of it." With reference to the suggested advantage to be derived by refrigerators for the perishable goods, I think there is nothing in that whatever. There may be something, however, in the argument as to the fast service between Australia and England, but if the saving of time between Australia and England is only two days over the Suez route, it is not adequate. I say more is required. Something, however, may be accomplished in that line. When you once freeze meats or eatables it makes very little difference whether they stay frozen one week or one month. All that is involved is the interest on the money for that extra forty-eight hours, which really amounts to nothing. And again, when you get a 20 knot service, you must consider that there is very little space in the steamer for anything besides coal and passengers, so that as a means of developing the resources of the country, there is little or nothing in it. Now, I wish to see what could be gained. If nothing is to be gained, or very little, we should take more time. There is another matter to be considered, that the developments of steam have been so great in the last few years that every company is cautious about making investments, because what is very good to-day may be of very little use five years hence. There was a great improvement when they put triple expansion engines in their boats, and these boats are capable of carrying only their passengers and their coal. Referring to the Cunards, I think they were the pioneers of this whole ocean service. Cunard was a Canadian and resided in Canada for a long time. Mr. William Cunard himself was a native of New Brunswick, and the Cunards know Canada just as well as you and I do. They have had the experience; they inaugurated their line with Halifax, for the reason that they had to carry so much coal in proportion to the size of their ships that they had to make the nearest possible point. Why did they leave Halifax and go to New York? Why have the Cunards not come forward and offered to re-establish their old route and run the fast steamers to Halifax? We have talked about it. I have mentioned it to them repeatedly. Now, would it not be natural to suppose that if there was a great deal of money in this enterprise they would embark in it? However, there is very little to be said about that, because we do not know that any people are going to embark in it. This line is intended to carry passengers quickly across the Atlantic. Is the farmer or the agriculturist of this country to be compelled to pay any portion of my passage to the old country? I think not. Then it is said we are going to make Canada the greatest country in the world. That is right enough, but you should be cautious. What else are you going to do? You are going to get a quick service. We have just as good a service as our neighbours across the line, because within a few hours after they get the mail it is delivered to us. It is not a 20 knot service they have; it is a 23 knot service and that service is not their own: they are all English lines except a few Inman boats. They are away behind, and the Cunard and the White Star Lines are in advance of them. So what are we competing with? We are competing with our own friends on the other side of the Atlantic, who really control the whole of the steamers on the Atlantic. I say we want nothing more. We have got a good service. The cables have superseded the mail service, and the mail service is a matter of secondary consideration to every business man in this country. Since I came into this House I have received two cables and I know what is going on on the other side of the Atlantic and what I have to prepare for. It is a matter of no importance to ordinary business men whether they open their letters in the morning or at night, because they generally know all about the matters before hand by cable. I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 p.m.

## SECOND SESSION.

THE SPEAKER took the Chair at Eight o'clock, P.M.

Routine proceedings.

### OCEAN STEAMSHIP SUBSIDIES BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SNOWBALL resumed his speech. He said: My only object in the remarks I have made is to advise extreme caution on this matter, and I am perfectly sure that the Government will use all due precaution. At the same time, I think it is well for those who think they are conversant with the subject to give the Government the benefit of their advice if they think they have any worth giving. In speaking of these steamers, they are referred to as vessels capable of making 20 knots. I suppose we all have an idea what that means. It means an immense consumption of coal, and it also means that those vessels will be able to make the voyage in about five days. Suppose this service is reduced to 18 knots and makes the trip in five and a-half days—I do not say it will be done—it would save at least $500 per day.

Hon. Mr. ANGERS—More than that.

Hon. Mr. SNOWBALL—I am putting it very moderately. Suppose they reduce it to 16 knots and make the voyage in six days, then the saving will be from one to two thousand dollars a day. The inducement is very strong in the company to reduce the speed and save this large sum of money. Again, this means high prices for everything connected with the service. It means high rates for freight to all who use the steamers. Fast steamers can carry but a small amount of freight. In the pioneer days of steam, the boats were limited as to time, and it proved so disastrous that the Government very justly had to abandon it. The loss of life and property were enormous. Again, it is all very well to say that we should not deny our own country but you must remember that the world sees Canada just as we do. They know the rigours of the climate that we have to contend with, and they know our coast just as well as we do. All these facts are discounted in the markets of the world. On the first day of August the insurance on the whole of the Gulf and the River St. Lawrence doubles. I know it to my sorrow, and it is one of the things worrying me more than anything else that the first of August is so near and the insurance will be doubled on every cargo crossing the Atlantic. Ten days afterwards it increases again, and on the 30th August again. Every ten days from now to November there is an increase in the rates of insurance until they got up last fall to 18 per cent in October for cargoes going into our Gulf. We cannot shut our eyes to the fact. It is the result of the geographical position of our country, and to recognize the fact only denotes that we are careful in studying the position that we occupy. It does not injure the country, because the facts are well known. You cannot overlook the fact that in the winter season the passenger traffic will fall off. I am an old traveller. I crossed the Atlantic in thirty days, and I have coached it from Portland up to Aroostook, and had to get out on the hills and help to push the coach up the grades. When you take the route from New York, a few hours after leaving port you cross the Gulf Stream and you are in pleasant weather, as a rule. As people begin to get old they feel the advantage of that. To get aboard a steamer and in four or five hours to get into mild weather is an advantage which cannot be expected by those who take our route. Again, there is another advantage which the lines to the south of us have. These ocean greyhounds that sail from the port of New York have a fixed track, and the steamer which goes from Liverpool to New York does not go within a hundred miles of the one from New York to Liverpool. The one is that far south of the other. All they have to fear is vessels coming up from the south crossing their tracks, which can be guarded against at any time. I will not occupy the time of this House any further, but I think it is not the duty of any hon. gentleman here to shut his eyes to any drawback that our country possesses. By shutting our eyes we cannot make the world shut its eyes, and if we enter upon any large undertaking I believe it is the duty of every hon. gentleman to look at it fairly and squarely, to see exactly the position we are in, and give the best advice we can to the Government. I am satisfied to leave it in the hands of the Government, but at the same time I felt called upon to show that it is not all plain sailing—that it is anything

but plain sailing. In the first place, it is not plain to make a contract with such a company with any idea that it will be carried out to the letter, and after the contract is made and all the preliminaries are arranged, there will be immense difficulties afterwards in seeing them carried to a successful issue.

Hon. Mr. DRUMMOND—I had no intention of troubling the House with anything but a few casual remarks on this question, but after listening to the eloquent speech that we have just heard it strikes me as a matter of special wonderment that this poor country, labouring under all the physical disabilities that have been set before us, has managed to exist to the present time. One would imagine that no steamboats could ever navigate the St. Lawrence, that no ship had ever reached the inhospitable shores of this country, and when I see, among others, the hon. member from Halifax looking on with a pleased expression when his own port was, I think I am entitled to say, vilified, it excites special wonder at the exigencies which party demands from its followers. The truth is that when one listens to the speeches from the hon. members from Ottawa and Halifax and the hon. gentleman from Chatham, one is sorry for them. The whole burden of their song is and must continue to be apparently a jeremiad from beginning to end. It was put very fairly to them by the hon. knight from Toronto when he said that they had to find fault with the Government whatever they did. Their conduct reminds me of a story of a man who demanded information of a native as to which of two roads he should take to reach a certain place. He got the following reply: "Well, stranger, you can take either road you like, but whichever road you take you will wish you had taken the other one." These gentlemen are bound, in their loyalty to their own party, to be constantly depreciating the efforts of the Government in whatever direction they go. To my mind we have a plain business proposition before us—here is an Act which has stood on our Statute-books for five years offering a subsidy of $500,000 for a certain service. The Government found that it would not work—that it is not sufficient. They are assured on every hand that it is not enough. The country has never, apparently, recorded a change of sentiment upon the propriety of offering $500,000, and now we are called upon to determine whether, failing to carry out our purpose with $500,000, we shall increase our efforts and try it again. That seems to be the natural business course to be pursued by any body of men. We have on the table of the Senate, and I have read them, representations from nearly all the commercial bodies in the country demanding a fast line. I think that the objections which have been raised to it and the attempts made to belittle the consequences of it, are entirely fallacious. It is a matter of fact, which will not be denied by anybody, that a very large proportion of those who travel and traverse the ocean to Europe at the present moment do choose to go to New York, because they can find a more expeditious service from that port than we can offer them. There is not the slightest question that the bulk of the ships which now navigate the St. Lawrence are old and under power. They occupy too much of the time of business men. The proof of the pudding is the eating thereof—it cannot be denied that the bulk of men who traverse the ocean for business purposes choose the New York route. Now, what are the chances for a line of suitable steamers coming from Quebec or Montreal? Granted, to start with, that in a big port like New York, which is always open to the ocean, there are always enormous physical advantages at its command, but the disadvantages which meet you and me when we approach the port of New York are not to be sneezed at. We are detained at quarantine all night. We are uncertain at what hour we will be allowed to land. We do not know when we will get a train to carry us to our destination. The chances are we will miss a train and have to lie over. At any rate, no man can land in New York and get to the car with his baggage without the expenditure of a good round sum. If this enterprise of a fast ocean line is carried to a successful consummation, and if the Grand Trunk Railway and the Canadian Pacific Railway find it—as they certainly will—to their interest to vie with each other in offering facilities for the transit of passengers and luggage, without doubt on the landing at Quebec or Montreal or Halifax the transfer will be made quickly and cheaply, as far as the passengers going to the western ports of the United States

are concerned, and without trouble about their baggage at all. I venture to say that if there be a fast line inaugurated, it will command an enormous traffic from that circumstance alone. Now what is to hinder these boats to be successful? It has been said, and said with a certain amount of truth, that these fast boats could only carry a limited amount of freight. Granted. That is in its essence perfectly true. The trend of modern business of late years has been to separate somewhat sharply the carrying of heavy freights and of passengers, and the White Star Company, which has been in the van in all matters concerning ocean traffic, for many a day now has changed considerably the type of vessel which carries freight, and has introduced vessels of a considerable tonnage, considerable speed and with enormous carrying capacity. The hon. member from Halifax said that the main object of this proposal of the Government, if it had any object at all, was to transfer from here to the markets the products of this country at a cheap rate. That is not it at all.

Hon. Mr. POWER—What I said was that I thought that should be the object in the interest of the country.

Hon. Mr. DRUMMOND—I differ sharply from the hon. gentleman on that point, for I say that that is not the point. The object is mainly to carry light freight, passengers and mails.

Hon. Mr. ANGERS—And perishable goods.

Hon. Mr. DRUMMOND—And perishable goods. With regard to perishable goods, a total misstatement of the facts has been made, unintentionally no doubt, by the hon. gentleman from Chatham. He said freeze those perishable goods, and it makes no difference if they are frozen for a week or a month: but they are not frozen. The object is not to freeze them, but to carry them in cold compartments rapidly to market, and fresh butter, eggs and fruit can be carried—a thousand things can be carried under those circumstances to market.

Hon. Mr. COCHRANE—Do not forget dressed beef.

Hon. Mr. DRUMMOND—And dressed beef. The question is not keeping it five or ten days in a frozen condition, but to keep perishable articles without freezing, and to carry them to market without impairing their quality. These ships will carry a large quantity of such freight, and carry it cheaply, because they will really have their returns upon the passenger traffic and the subsidy for carrying the mails, and will be able to enter into competition with freight carriers on good terms for such freight.

Hon. Mr. POWER—Is it not a fact that perishable goods are brought from South America and Australia to England?

Hon. Mr. DRUMMOND—Certainly in cold storage rooms, but I never heard that they were improved by the length of the passage from South America and Australia. I say they are impaired by the length of time they are kept, and the more rapid the transit the better. I do not, of course, attribute motives to anybody, but it did strike me, when I was listening to the hon. gentleman from Chatham, that he was arguing as much in the interest of companies that did not desire to take up the subsidy as anything else, and without pressing that point I would remark upon the speech of the hon. gentleman from Halifax to this extent—I had just been reading the Hansard of the House of Commons and, with all submission and respect, I think we have in his remarks an echo of the proceedings in the House of Commons.

Hon. Mr. POWER—I have not read one of the speeches delivered in the House of Commons on this subject, and have not heard any of them.

Hon. Mr. DRUMMOND—Then it is another illustration of the fact that great wits jump together.

Hon. Mr. POWER—The facts are the same in the House of Commons as here.

Hon. Mr. DRUMMOND—No doubt about it, but every one seemed to miss one point except the hon. gentleman himself. After dwelling, as was done elsewhere, on the dangers of fogs and rocks and all that sort of thing, which we have heard *ad nauseam*, the hon. gentleman endeavoured to elicit from the leader of the House an assurance upon the question of the speed of

those vessels. There is a vast difference between specifying that the ships shall have a sea speed of 20 knots and making a contract whereby those ships shall keep up 20 knots throughout their voyage. If there be fogs in the Gulf—as who denies it—if there be a lee shore in the St. Lawrence on both sides, which nobody can deny, it would be little short of madness to make in any contract a condition as to the maintenance of speed. As a business man, if I were asked "what would you do under those circumstances," I would say I do not know until it came up, but I am obliged to say to the Government that the framing of such a contract as devolves upon them in the event of a favourable tender being made, is a matter which will require their most careful consideration, for this reason. If, on the one hand, you offer a premium for a short voyage, or you require an average speed, what do you entail upon the ship master? To crack on in season and out of season, in fogs, in darkness, in drifting rains, and everything of the kind, than which no more fatal error could be made by anybody, whatever position he occupies. On the other hand, if you fail to make conditions implying that when the circumstances are favourable you shall have a speed of 20 knots, then you offer a premium—and according to the swiftness of those boats it is multiplied ten-fold—which is to economize coal, to go at a jog across the Atlantic when they might be running fast. No one has crossed the ocean without realizing this fact, that while at times he could wish that the greatest caution and discretion and the slowest speed to be the order of the day, many and many a day occurs when he wishes he could go 100 knots an hour and might do it with perfect safety. The hon. gentleman and those who spoke against this line are probably aware of the fact that if you have a speed of 20 knots you can go at 10, but if 10 knots is your maximum speed, you cannot go faster. So the fast boat does not necessarily go 20 knots an hour all the time, and in fact it would be highly improper if it did. I do not wish to detain the House, because it seems to me, considering the fact that the country has been looking for five years for a fast line, considering the price which we have offered for it has been insufficient and we must increase it or do without, that the bill before us is in the line of the plainest and simplest common sense, and for my part, as a business man, I wonder whether $750,000 will fetch it. There is only one expression which fell from the Opposition that I have sympathy with at all. It is where the hon. member from Ottawa deplored the fact that our own people had not been more ready to avail themselves of the offer and fill the contract themselves. For my part, I think that the Allans have deserved well of this country. In a long series of years, under the most discouraging circumstances, they have kept up a service well and done their duty by the country. It is quite a mistake on the part of one of the speakers to say that they are old men and desirous of going out of business. The older men are certainly disappearing, but there are plenty of young men of enterprise and courage and business knowledge to carry on the service, and I deplore that the Allans have not been induced by the subsidy which has been offered to take up the work and do it themselves. I have not the acquaintance of Mr. Huddart. He is a stranger and I should prefer our own people to him, and the only thing that I regret is that this service is to fall into the hands of a comparative stranger and not into the hands of our own people. In that respect I am with the gentlemen of the Opposition. The hon. member from Marquette took a view with which I am cordially in sympathy. It was not novel, because it has been held out all along as one of the inducements for the line; it was that we might see the day when the direct course between Europe and Australia would be through Canadian territory. When that is done, it will bring an enormous accession of business to our own railway, as we may call the Canadian Pacific Railway, and it will do a great deal to enlighten the public outside as to what Canada is, and make her more familiar, more frequented and unquestionably will be to our benefit. For these reasons, I think the observations which have been tendered to you in opposition to this bill are insufficient and should not be regarded. I advocate the immediate assent to this bill on the part of this hon. House.

The motion was agreed to and the bill was read the second time at length at the Table.

Hon. Mr. ANGERS—If the House will allow me, I will move the suspension of the rule and that the bill be read the third time now.

Hon. Mr. POWER—If I were not a good Christian, I should object to the suspension of the rule, because I feel that I was treated with scant courtesy by the leader of the House during the debate on the second reading of this bill, and I wish now to make just two or three observations with respect to the little difference of opinion which took place. I have ascertained—I was not aware of it at the time—that the hon. gentleman, when he laid those papers with respect to the fast Atlantic service on the Table, made a slight error and said that he laid on the Table the papers with respect to the French treaty. I remember distincly the hon. gentleman stating that. I never heard, and I have been attending the House pretty regularly, the hon. gentleman say that he laid on the Table any papers with respect to the fast Atlantic service, until he stated, when I made some remarks to the effect that the papers had not been brought down, that he had laid them on the Table. My reply was that they were not on the Table. They were not at the time—I had never seen them. I might perhaps have said something else, but there was no discourtesy to the hon. gentleman or any one else. I simply said the papers were not on the Table. As a matter of fact, those papers had been laid on the Table as papers connected with the French Treaty, and they were removed at the close of the sitting to the clerk's office. I was not aware that they had been laid on the Table and other members to whom I spoke on the subject told me the same, and the hon. member from Ottawa told me that he only discovered by accident that they were on the Table. He went to look at the papers and found that they did not relate to the French Treaty, but to the Fast Atlantic Service. It is only due to myself to make that statement. As I said in the course of the discussion, I try not to be rude or discourteous to any member of the House.

Hon. Mr. ANGERS—When I laid the papers on the Table, a mistake was made in stating that they were papers connected with the French Treaty, but I had that mistake immediately corrected. I mentioned it to the Hon. Mr. Scott, who drew my attention to the fact. I had the error corrected immediately, and there is no error in the Minutes.

Hon. Mr. POWER—I never read the Minutes, and not having any communication with the hon. member from Ottawa on the subject, I never knew about it until the question was raised to-day.

The motion was agreed to and the bill was read the third time and passed on a division.

## INSURANCE ACT AMENDMENT BILL.

MESSAGE FROM THE HOUSE OF COMMONS.

A Message was received from the House of Commons to return Bill (V) "An Act further to amend the Insurance Act," with certain amendments.

Hon. Mr. ANGERS—The last clause provides how the companies shall invest their surpluses. A long list of securities has been given. They are not allowed to invest in gas companies except upon bonds issued by them. There are companies whose standing is first class, and who have issued no bonds, and I want to add, in the interest of insurance companies, to increase the scope of their investments, the following words :—

And in the stocks of such companies of the above description which have issued no bonds.

Hon. Mr. OGILVIE—As a representative of an insurance company of some standing in Canada, I should like to add telephone stock or bonds, either of which is as good as the Bank of Montreal. I would not have moved an amendment had not the leader of the House proposed to amend the clause himself.

Hon. Mr. MACINNES (Burlington)—I propose to have the list still further extended.

## THE FRENCH TREATY BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (147) "An Act respecting a certain treaty between Her Britannic Majesty and the President of the French Republic."

(In the Committee.)

On Schedule "A,"

Hon. Mr. POWER—I wish to direct attention to the difference between the language used in Article 2, and the language used at the close of Article 3. Article 2 is to this effect :

Any commercial advantage granted by Canada to any third power, especially in tariff matters

shall be enjoyed fully by France, Algeria and the French colonies.

That article states in the most direct and explicit manner that whatever advantage is granted to any other power must be granted to France and the French colonies. I said something last night as to how that might affect negotiations for extended trade relations, with the United States for instance. Then the language in article 3, as to what Canada is to get from France, is as follows:

It is understood that the advantage of any reduction of duty granted to any other power on any of the articles enumerated above shall be extended fully to Canada.

It is not stated explicitly and directly that these advantages shall be extended to Canada, and further the advantages are not any commercial advantage, but simply the advantages with respect to the articles mentioned above. If a treaty of a more extensive character should be made by France with any other power admitting agricultural products, for instance, the advantages of the treaty would not be extended to Canada, while France gets all the advantages which Canada might grant to any other power.

Hon. Mr. ANGERS—True, the language is wider in article 2, than in the section cited by the hon. gentleman at the foot of article 3, and it must be recollected that when we granted a market of five millions they opened to us a market in France of nearly forty millions, and if you include Algeria and the French colonies it would exceed fifty-seven millions.

The schedule was adopted.

Hon. Mr. SCOTT—Hon. gentlemen may have noticed that some of the Australian representatives have felt somewhat aggrieved that France should have those advantages. They do not consider them of very much value if given to the rest of the world, and when France hears we have given similar privileges to Australia and the rest of the world, she may not value the privilege much.

Hon. Mr. ANGERS—Perhaps not, and if the treaty is as bad as the hon. gentleman thinks it is, they will give us notice, but there is nothing in the treaty which would prevent us according a reduced tariff to Australia and the other British colonies.

Hon. Mr. SCOTT—I was drawing attention to the fact that the Australians had already noted, and that France may note that practically under the interpretation that is now given to it France will not be getting any exclusive privilege in regard to the wines of that country.

Hon. Mr. McCALLUM—I would like the hon. Minister to tell us what amount of trade he expects to make with France, or whether he expects any large trade, in condensed milk?

Hon. Mr. ANGERS—I may say the statistics show hardly any trade now in that direction, but it is a trade that could be easily established from Ontario and the province of Quebec and the Maritime Provinces, especially Prince Edward Island.

Hon. Mr. McCALLUM—Can the hon. gentleman tell us if there is any condensed milk manufactured or produced in Canada now?

Hon. Mr. ANGERS—Yes, there is in Nova Scotia, and it is a profitable industry.

Hon. Mr. KAULBACH—At Truro, N.S.

Hon. Mr. McCALLUM—I think the parties who negotiated this treaty did not understand the timber grown in this country, because it speaks of the extract of chestnut and the other tanning extracts. I know something about the forests of this country, and I do not know to-day where we have any chestnut forests; in fact, there is very little chestnut grown in Canada, as far as I know. At one time we had some chestnut growing, but we have none now. I think that that word ought to be hemlock instead of chestnut.

Hon. Mr. DEVER—It says other tanning extracts.

Hon. Mr. ANGERS—That clause includes hemlock.

Hon. Mr. McCALLUM—But they use the word "chestnut?"

Hon. Mr. ANGERS—Because tannin from chestnut is used for the most expensive leather, what we generally call Russian leather, and I do not know as to whether there is any exported from here, but we have the tannin from hemlock and it includes both.

Hon. Mr. KAULBACH—And oak has also very good tanning properties.

Hon. Mr. McCALLUM—It says "fresh water fish, eels." Would that include salt water eels?

Hon. Mr. ANGERS—No, it would not include eels caught in the sea—simply eels caught in fresh water.

Hon. Mr. McCALLUM—I am sorry it does not. I had hoped that it might allow us to take in eels of all kinds.

Hon. Mr. ANGERS—Not from the sea.

Hon. Mr. McCALLUM—It is hard to discover the difference. Many men could not tell the difference. I think in my younger days I could distinguish between them. The eels are six or seven feet long in the place I come from in Scotland. We would not eat them; we did not consider them fit for food, but it appears they are excluded by this treaty if we catch them in the waters of the Atlantic and the Pacific.

Hon. Mr. DESJARDINS, from the committee, reported the bill without amendment.

## BILLS INTRODUCED.

Bill (158) "An Act further to amend the Inland Revenue Act."—(Mr. Angers.)

Bill (149) "An Act further to amend the Act respecting the North-west Territories."—(Mr. Angers.)

The Senate adjourned at 9.05 p.m.

---

## THE SENATE.

*Ottawa, Thursday, July 19th, 1894.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine pro eedings.

## INSURANCE ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. ANGERS moved the adoption of the amendments made by the House of Commons to Bill (C) "An Act further to amend the Insurance Act." He said: I had proposed to submit to the House an amendment which relates to investments. I suggested that amendment in a conciliatory spirit, hoping to meet the objections of one of the companies to the bill. I find that this amendment is unsuccessful and as it does not produce the reconciliation that I had hoped for, it is useless for me to submit it, because at a future session the principle involved in that 27th section will have to be the subject of further legislation. I may state the purpose of the section as it stands. For the future, and the future only, the law provides that insurance companies shall invest the money in trust with them in given securities. I do not wish to enter into a discussion upon what has taken place in relation to the large investments made by such companies. There are some who have in hand over $13,000,000 and have some $67,000,000 of responsibilities with policy-holders. I do not wish to criticize the way a portion of that capital has been employed or invested. What is past is past, and let by-gones be by-gones, but I think it is the duty of Parliament to see that all this money which is held by certain parties in trust, the managers of the companies who have as shareholders very limited capital and who deal with such large sums of money—that it is the interest of Parliament and of the public that some safe-guard should be provided in relation to the future investments of those companies. It is not thought desirable that they should be at liberty to invest at random such a large sum of money; thousands of people might at a critical time have to suffer a bitter disappointment if such investments had not been wisely and properly made. The Government has dealt with that subject. Yesterday one hon. gentleman in this House mentioned the Bell Telephone Company's stock, which I believe is quoted at 140. I am quite sure that on a future occasion, as long as that stock stands as high as it does, the House would have no objection to deal with the matter again and include that and several other subjects of investment. It has been said that by this Parliament is arrogating to itself an excessive power and attacking acquired rights. It has been the subject of discussion elsewhere that we were going to deal with vested rights. The most complete and reliable answer to that has been made by the best authorities in the

House where the discussion took place. When you only deal for the future you do not really deal with acquired rights. Up to this day companies holding charters have had the privilege of investing their money in many ways. With such investments it is not the intention of Parliament to interfere at all. None of these investments will have to be disturbed by the present law. Some of them might be removed with advantage, but others will stand as long as they have not lapsed, but with regard to future investments the clause says that when you shall have a surplus to invest it must be invested in certain classes of securities. In making that provision you do not in any way affect acquired rights. Acquired rights cannot apply to the future but can only apply to the past. Acquired rights can only apply to the capital which is accumulated and invested, but it cannot apply to the capital which the policy-holders are going to put into your hands for safe management in the future. I shall again repeat that I think it is sufficient for me to point out to the House that a large number of people in Canada to-day are insured, that for a large class of our people it is the only possible provision that they can make, after they are removed from this life, for their widows and children. It is becoming more popular and more extended every day, and it is the duty of Parliament to see that none of those people are deceived, that the investments are wisely made by men of small capital as shareholders, say $100,000, $125,000 or $150,000, who are dealing with responsibilities amounting to some sixty or sixty-five millions of dollars, dealing with an accumulated amount of some $13,000,000 or more. It is a very great responsibility to intrust with the managers of such companies. I do not wish to blame any management in the past or to criticise any company. I am the last man in this House who would utter one word which could be invoked against any company by a rival company, but I hope the House will receive with the same frankness and in the same spirit the principle which is set out in the amendment.

Hon. Mr. MACINNES (Burlington)—The hon. leader of the House has stated that he wishes to withdraw some amendments which he proposed, and which are satisfactory, as far as they go, to parties interested in this bill. The amendments which he proposes are, as he has stated, in the right direction, but they do not go far enough. If the hon. Minister of Agriculture chooses to withdraw the amendments which he himself proposed, that is his affair and we cannot prevent him doing it, but I thought, in the remarks which he made, the logic was not very sound when he said that vested rights applied only to the future and not to the past. That appears to me a very extraordinary argument. I wish to place before the House a plain and straight forward statement of the case as well as I can do it, without intending, in any manner, to mislead, or to palliate, or to do anything that might be considered improper by any member of this House. I wish to state at the outset that I have no interest in the Canada Life Assurance Company, which is the company now under discussion. I am interested in it only as a policy-holder of $10,000. I insured in the company with a knowledge of the powers of investment which the company possessed. Now let me state to the House what these powers are. This amendment chiefly affects the Canada Life Assurance Company. The Act of incorporation was granted forty-seven years ago. That Act permits a liberal choice of securities on which investments or loans may be made, but which will be much restricted by the proposed amendment, and the company has made, from time to time, investments and loans in and on the classes of securities which will be excluded by the proposed amendment, amounting at the present time to about $5,000,000. The company on such an amount earn, on a moderate estimate, about $50,000 annually more than they would on securities of the limited class specified. The hon. gentleman alluded to the policy-holders and also to the smallness of the stock of this company. It is well known to hon. gentlemen, and to every business man of this community, that the stock of insurance companies is always of a very limited amount, and that the policy-holders are the parties most generally interested. The policy-holders will be the parties chiefly affected, as they are entitled to 90 per cent of the profits, and on the last division of profits they received 93⅓ per cent—the shareholders received only the remaining 6⅔. There are about 25,000 persons whose lives are assured by the company to the amount of upwards of 62 millions, these policy-holders are informed, by the annual report of the com-

pany sent to each, of the manner in which the funds are invested, and any one entitled will at all times be furnished with every information, concerning the company's investments; and it should be pointed out that none of the debentures, bonds, stocks or other securities of Canada or any province of Canada, being those prescribed by the amendment, yield over from 3½ to 4 per cent—and the insurance law requires that the reserve held be based on 4½ per cent. So that if the company is wholly restricted to such securities it would not be able to realize 4½ per cent prescribed by the insurance law. The result must therefore be an increase in the rate of premiums. Let me also state to the House that other companies, United States, English, and Scotch insurance companies, doing business alongside of the Canadian companies, are not subject to such restrictions. They can invest their money according to the best of their judgment and abilities in any such securities as they may choose to select, and there are many other securities. The fact also that the hon. Minister himself was prepared to offer an amendment to extend the line of securities may be taken as evidence that this question has not received at the hands of the Government that consideration which its importance demands. I need not point out to the House the distinction between an investment and a loan. Investments are the purchase out and out of securities and should be made only when they may be considered beyond any doubt as to their soundness, but a loan on security which *per se* may not be of that character can be made so if backed with first-class collaterals, and industrial establishments may be safely assisted by loans in that way, and made perfectly sound, but this restriction will prevent that and is therefore striking at the industries of the country. What the company which I have the honour to speak for to-day—I have no interest in it beyond what I have told you, a policy of $10,000 on my life—say is that they have no objection, but think it perfectly proper that there should be restriction on the class of securities in which the funds of the company shall be invested, but it is not proper that the *ipse dixit* of any official of the Government should be allowed to fix the list of securities. In the conference between the companies and the Government the postponement of this clause was requested for the purpose of giving an opportunity for a conference to take place between the Government and the various insurance companies who may choose to take part in it. It is surely only a reasonable request to have this amendment postponed for that purpose. The official who inspired the proposed restriction has avowed defiantly that it was inspired by him. I have the highest possible respect for that gentleman. I have known him for a great many years and I am sure he is worthy of all confidence and I have no doubt he possesses the confidence of his Minister, but it appears to me that fixing the securities this way is very much like the shoemaker going beyond his last, *ne sutor ultra crepidam*. And it should be borne in mind that investments of an insurance company, as regards length of time, are quite different from those of banks or savings banks, whose investments should always be made in securities readily convertible, so as to be in a position to meet any sudden demands by depositors. On the other hand, a long dated security is much more desirable for an insurance company so long as it is a safe and sound security. I may state that the annual cash receipts of the company are over two and a half millions per annum and its assets now amount to fourteen millions of dollars, so that it has money always to invest or to lend. And the amount goes on increasing year by year. This is also the case with other Canadian companies. The amount of the loanable funds which these companies will have at their disposal will be very considerable. These loans can be made with perfect safety in the manner I have indicated and can be made a powerful factor in promoting the prosperity of our industrial establishments. I should allude to the adverse criticisms made in another place respecting the investments of this company, which were most unfair and incorrect, and must have been made in ignorance of the facts. A memorandum of these investments has been handed to me by Mr. Ramsay with a full statement concerning the character of the collaterals held against them. I beg to assure the House that I unhesitatingly give it as my opinion that they are first class sound securities—gilt edged in fact. The president of the company, Mr. Ramsay, has addressed a letter to me on the subject of the securities of the company which with the permission of the House I will read:

CANADA LIFE INSURANCE CO'S. OFFICE,
HAMILTON, Ont., 13th July, 1894.

DEAR SIR,—The House of Commons last night passed an amendment to the Insurance Act which will largely limit the powers of investment given to this company by its charter in 1847. It is not said that these powers during the past 45 years have been exceeded or improperly used, and the full knowledge of all the facts and details of each of the investments of the company (although these cannot of course be possessed by persons outside of its board and officers) warrants us in asserting that they are as absolutely safe and prudent as business transactions can be made. Assurers having joined the company during the past years in reliance upon the terms of the company's charter, and relying upon the favourable results which it has encouraged them to look for, an interference with the chartered rights and privileges at the present time is an injustice to them, such as we hope the Senate may feel warranted in opposing, at all events without greater time and opportunity being afforded to obtain the views of those assured who are pecuniarily interested, on the subject.

I may say that the amendment proposed would place this and other Canadian companies in an unfavourable position in competition with American and other outside companies, which have all the investment powers which it is proposed to withdraw from this company, and which such companies now use largely and with great advantage to their policy-holders and to the business community.

If you will kindly give this matter your best consideration, that would be much esteemed, and if you can concur in our desire that greater time should be given for more fully ascertaining the views of the company's twenty thousand policyholders, who will be pecuniary sufferers by the proposed amendment, your aid in getting the measure deferred for another session will be a valuable safeguard to their interests.

Yours truly,
A. E. RAMSAY.

There is no question as to the soundness and the value of the securities held by the company for all the loans they have made during those 48 years.

Hon. Mr. KAULBACH—By the loans you mean the investments you have made?

Hon. Mr. MACINNES (Burlington)—Loans and investments, both. I have already pointed out the distinction between investments and loans. An investment should only be made on the soundest of security, but a loan may be made on securities which *per se* may not be of that character, but may be made so by first-class collaterals behind them. The power, to which I have already alluded, originally granted to the company is in the nature of vested rights. The policies issued to the insured may be found to constitute or be considered in the nature of a contract between the company and its policy-holders. If the list is restricted in the manner proposed, the question then arises whether a distinct line should be drawn between the old policy-holders and those who might elect to insure with the knowledge that the old powers possessed by the company are curtailed. I believe that some such arrangement is practicable but time is required, more time than we have at our disposal this session to carry it out. Meanwhile the public or any interest will not be prejudicially affected. Before concluding it is only due to the management of the company that I should state that no company anywhere in the world can point to a more splendid administration of its affairs than the Canada Life Company. It is a company of which Canadians may well feel proud, and it appears to me under the circumstances that Parliament should hesitate before it interferes with a company which had been so splendidly managed in the past. I therefore move that this 27th amendment, which proposes to insert clause *d* in the bill, be not concurred in for the reason I have already stated. No interest can suffer if the matter is postponed for another season.

Hon. Mr. SCOTT—The proposition made by the hon. gentleman from Hamilton that this important matter should be postponed for quite a consideration, seems all the more reasonable from the fact that it will be remembered by the hon. gentleman that this bill, when it was introduced in this chamber, met with some opposition from various insurance companies. They were invited, through the courtesy of the hon. Minister taking charge of it, to come to Ottawa and discuss the objectionable clauses. They had their meeting here, and the bill was discussed in this House from time to time until an agreement, as I understood it, had been come to between the various insurance companies and the Government and then the bill passed without any further opposition in this Chamber. That was the position in which it came to the Senate originally. It went down to the House of Commons and was referred there to the Committee on Banking and Commerce, made up of the leading business men of that Chamber. That committee made a number of changes and amendments in the bill. Some of them are

before us, and those amendments are being accepted by the House, inasmuch as they are not affected by the amendment proposed. After the bill went to the House of Commons from the Banking Committee, and just before the amendments were being concurred in, further amendments were proposed, which is a very unusual thing after a bill has been referred to a special committee. Those additional amendments which I hold in my hand now, known as clause *b*, are very long and important amendments. As I am advised by many hon. members, they really were not understood inasmuch as they were not even printed. At the end of the session, the bill comes to us with these amendments now concurred in, in addition to the amendments made by the Committee on Banking and Commerce, and it is those amendments the hon. member from Hamilton refers to, when he asks that the discussion of them be postponed for another year. They affect other companies besides the Canada Life, but principally the Canada Life. I do not know that the other companies are aware to what extent they do affect them. I am inclined to think—although I speak subject to correction—that the Sun Life, and important company, incorporated as far back as 1864, must have investments affected by this bill. I am not certain of that, because I have not had time to look into it, but I do know, and the hon. gentleman has informed the House officially from the paper handed to him by the manager of the Canada Life, that it is going to affect this company in the future to the extent of $50,000 a year. This is a very important consideration. I venture to say that over 5,000 stockholders of the Canada Life are the principal business men, at least of Ontario. The operations of the Canada Life extend beyond Ontario, but I believe there are no leading business men in Ontario who do not hold a policy or two in the Canada Life. Now, I do not think they are the class of men that require the paternity of Parliament to say how they shall invest their money. We are going too far in this matter. Nearly 50 years ago, Parliament gave a charter to this company, authorized them to invest their money according to the prudence and discretion and judgment of those who were interested. It gradually drifted to be a mutual company. In its earlier history it had many difficulties to encounter, because it lacked the capital and it lacked the standing, and English companies had possession of the ground and also some United States companies. As the company got strong and vigorous, the Canadian people had faith in it, and the leading business men of Ontario hold policies in this company. They have been induced to add to their policies from the very fact that that company was enabled to return to them a larger proportion of profits than policy-holders in other companies receive. Why were the company able to do this? Because the investments in Canada were more paying than they had been in other countries. We know that English companies are limited practically to receipts of probably from 3½ to 4, not above 4, as a rule. Now we are going to say to the Canada Life, which heretofore has been paying back to its policy-holders very large sums of money, in the future "You cannot return that money to the policy-holders. You must put your money in particular bonds of the Government of Canada, bonds of the provinces and other stocks and interests referred to in this bill." I do not think that that is quite fair or proper, after Parliament has given them the power, unless you first establish a case against them. If you can show that by rash investments or by imprudence they have jeopardized the interests of those 25,000 people, then it may be for Parliament to interfere, but even then Parliament ought only to interfere at the instance of the parties interested. It is a business company; it is not a savings company or a poor man's company, as a rule it is the wealthy men of this country that are in the Canada Life. There are no doubt some small companies. The small policies are prompted to be taken because there are well known business men in the country who have faith in the company and hold large policies and for that reason it has a standing. The effect of the amendment will be to put the Canada Life on a level with English companies, in fact to reduce them below the level of English companies, because we know that as a matter of fact English companies to-day can invest their money in the United States, and foreign companies doing business in Canada have opportunities for investing their money in the United States. The Canada Life will be deprived of that privilege, unless you drive them to invest their money outside of Canada, I do not know how far the amendments would affect their powers to carry out

that principle, but it would seem only reasonable and fair, if they have got to compete with the rest of the world—because that is what it means practically—that they should seek investments out of Canada if they cannot get paying investments in Canada. The Canada Life has gone into a new territory. It is now doing business in the United States and is regarded there as a company of undoubted standing and is securing a very large area in that country. I do not think it is in our interests to say to the Canada Life: "You shall take your money out of Canada and invest it in the United States," because it would be only reasonable and fair if their premiums are to be affected by this, if they are to be restricted in their opportunities to invest in Canada, that they should go outside of the Dominion. I do not think that you help the industrial enterprise of this country by doing that. I presume, from what was said, that it naturally prefers to make advances to industrial institutions in this country: but as we know when loans of that kind are made, large collateral securities are taken, and if any hon. gentleman could point to a loss by any injudicious investment, then there would be some justification for it, or if the policy-holders in the Canada Life applied to Parliament praying for this change, then we might properly interfere, but I understand the policy-holders are opposed to this change. There is not a policy-holder in the Canada Life who is in favour of this legislation. They have had these privileges for 50 years, and have not abused them in any way, and now it is proposed to take this right away from them. It is said Parliament is not giving this right to the companies applying for charters today. That is no reason for taking it away from old companies which have built up the insurance business of this country. The Canada Life, you might say, was the pioneer company of Canada and made their insurance business a success. Business men would not go into it until they saw it was a success. After a time they discovered that investments could be better made in Canada than in England, because we have the territory here. Money invested in England only paid $2\frac{1}{2}$ or $3\frac{1}{2}$ per cent and of course they could not compete with the Canadian company. The Canada Life were able to take advantage of the money market of this country to the great assistance of our people. I hope, therefore, the Government will not press this amendment under the circumstances, because it is very unusual that an important amendment of this kind should be brought in at the last moment, more particularly after a conference being held on this bill. The Canada Life seems to be the only company that is aware of the change, although I am quite sure it affects other companies. I have had a policy in the Canada Life for nearly fifty years, and I am receiving annually a very nice sum out of it. The mode of insurance that I followed was to have the profits apply in reduction of the premium and a great many other persons have done the same. What right has Parliament to step in and cut off the profits I get? Is it the proper thing to do? People invested in this company because, its investments being in Canada, it was a company that could pay more profits than any foreign company. In the face of that, is it right that Parliament should capriciously, at the very last moment, interject amendments which are going to disturb investments made by policy-holders twenty, thirty, or forty years ago. It is neither equitable nor just, and if it is properly understood I do not think it will be enforced. I hope, therefore, that the Government will withdraw the amendment and look into the matter. Of course if there is any justification for it, we could all agree to it, but if there is no justification we should allow the company to continue its business as in the past.

Hon. Mr. KAULBACH—I shall vote for the amendment of the hon. gentleman from Hamilton. I believe this bill must have been in a very crude shape and not properly considered before it came to this House. Here is a bill which was brought to this House by the Government. We must assume that it received mature consideration and that the Government believed they had done everything to protect those who have invested their money in these companies. It passed this House. being considered perfect by the members of this House. Are we now to stultify ourselves and say that we were not capable of considering this matter? There are gentlemen here who have policies in that company, and business men, who feel quite satisfied with the manner in which the loans and investments of the company are made. I do not know of any person who has invested his money in any way in this

company who has raised any suspicion with regard to the ability of this company to conduct the business in the manner which they have done for 50 years. This bill went to a committee of the other House competent to deal with a measure of this kind: they made certain amendments to the bill, which we are willing to accept, but when it came up from the committee to the House an amendment was made which was not approved of by the Committee on Banking and Commerce to whom it was referred. I think this matter requires more consideration. My hon. friend, the leader of the House, himself admitted that he was willing to modify that clause *d* and make some concession with respect to it, so that he must feel that it is not necessary in the interest of the public. who invested their money in this company, that this clause should pass. I think we should hasten slowly and consider the companies who may be interested in this. They will have to consult and have conferences with the department and perhaps then some legislation which may be in the interest of all the companies may result from this, but I must say, after the Government has brought down a bill, presumably after mature consideration and after the bill has gone through the ordeal of this House and through a competent committee of the other House, and is returned to this Chamber and we are asked to add a clause here which seems to be objectionable and which my hon. friend is willing to modify, it shows that this bill is imperfect and has not received the mature judgment of the Government. For the safety of the country, I think the hon. leader should withdraw clause *d* from the bill and then, after further consideration of this matter, if more legislation is required in the interest of the policy-holders the matter can be brought up next session.

Hon. Mr. FERGUSON (Welland)—I do not wish to criticise the hon. leader of the House, but it appears to me that his course to-day with regard to the amendment which he was about to move is a most extraordinary one. The Government admitted by the amendment which he had in his hand that the range of securities in which investments could be made, was too small, and therefore they were disposed to enlarge it, but by his conduct to-day he virtually says, " if you do not take my amendment you get nothing at all. I will move the bill as it is before the House and ask you to vote against the amendment that has been moved by the hon. gentleman from Burlington." The Government ought to give us the amendment which they thought the insurance companies were entitled to, and the course of the hon. gentleman to-day is a very extraordinary one. There is no institution in this country that has done more by their surplus funds to advance the best interests and the public works of this country than the Canada Life. It has always been to the fore in making wise and prudent investments. I am a very large policy-holder and have examined the institution and its reports recently, I can say that so far as I know it has never yet met with a loss of any consequence. For 47 years they have been going on in that way. They have used their surplus to advance the best interests in the country. Now if these securities in which they can invest are limited, what will be the result? They will seek investments in other countries, and this $5,000,000 will go across the line to promote the industrial pursuits of the United States, either that, or if you restrict them you will disable them from carrying out the contract which I entered into 20 years ago with the Canada Life Company, under the representation that for a series of years they had been able to pay certain bonuses to policy-holders. You therefore injure me and every policy-holder in the Canada Life. Have the policy-holders, or the public, or the business men of this country asked for this legislation? Has anybody asked for it, or has it been brought about by the musings of somebody sitting behind a desk somewhere, perhaps a clerk in an office who never knew anything at all of life insurance business and knows very little about business transactions of any kind. I want to know where the bill comes from. If the Government say they brought this bill into the House on their own responsibility, then, so far as this bill is concerned, I vote want of confidence in the Government, because I do not think it is in the interest of anybody in this country. The Minister of Agriculture says it is not interfering with vested rights because it only applies to the future. That is a strange kind of logic, because these investments are constantly falling due and must be reinvested at once in order that interest may be had upon them, so that you interfere with every policy that has been taken in that company for the last 45 years except those that have been paid

off. And it does interfere with vested rights and with the interest of policy-holders, an interference that I think is wholly unjustifiable. Everybody will agree with me that there are no securities in the country on which there have not been losses, even the classes mentioned in the list. If there is a class of securities in which there has been money lost it is mortgages. If we confine the companies to mortgages alone, after a while you will find they will become the owners of a large portion of the property of the country. Interest on mortgages is not paid regularly as a rule, and private lenders do not care to foreclose their mortgages and put people on the street, but companies are obliged to do that because they are holding the balance between two parties and they must carry out the law and foreclose the mortgages. I agree with the hon. member from Ottawa that the business men of this country are the men who are best able to judge of this matter. All over the province of Ontario, and in Montreal and elsewhere the men who hold policies in this company are perfectly satisfied with their investment, and there are no men in this country more capable of judging of investments of this character than the policy-holders themselves. I have examined the investments and securities that have been referred to, and if I had the money I would lend it as the Canada Life has done on those securities. There is no business man that would have not made the same loans on the same security. In lending on mortgages as a rule they can place about $1,500 or $2,000 on a farm. The expense of keeping track of those mortgages is very large. If the Canada Life had to see after those small investments throughout the country it would cost them nearly all the interest they get to secure the investments and to manage them. Therefore I think it is exceedingly unwise to confine them to these two kinds of investments. A radical change of this kind, affecting such wide and diversified interests, affecting perhaps a hundred thousand policy-holders in this country, ought not to be made without consulting as far as possible, the parties directly interested. I therefore think that the House ought to be careful. Let us grant a delay so that we will be able to consult the people interested before next session. If these amendments, after consultation, are considered right and just and in the best interests of the future of this country and of policy-holders and investers, let us pass it; but I think no radical change of this kind ought to be made without proper consideration and without consulting, so far as they can be consulted, the parties interested.

Hon. Mr. ALLAN—I entirely agree with all that fell from the Minister who introduced this bill, with regard to the necessity for taking every precaution to guarantee the safety of companies and institutions, such as those which this bill will affect. I do not think there can be a greater calamity than to allow life insurance companies to conduct their business on an unsound basis, or anything in fact short of the most absolute security that can be obtained. When we reflect on the frightful consequences to the comfort and welfare of individuals that might ensue by the failure of those companies, I think every precaution should be taken to ensure their stability. There is no subject therefore to which the Government should address themselves to with more care than this of life insurance, none which the very able officers, to whom they have to advise with in the department to which such matters are referred should give greater consideration, none which both this House and the country should more heartily and thoroughly desire to surround with every precaution when legislating upon it. I am disposed, therefore, to go as far in that direction as almost any one would do, in order to secure perfect safety for our life insurance companies; but here is a case in which we may very properly say that the House is hardly justified, at this period of the session, and after this bill has been so thoroughly and carefully criticised, when first introduced in this House, in proposing now to introduce a clause which so very seriously affects the business of some of our largest and most successful companies in the Dominion. If this clause was only intended to affect companies obtaining charters in the future, it might be all right; but here is a case in which we should surely act upon the axiom that it is not right or proper to interfere with vested rights, because when a company like the Canada Life, for instance, has, under its charter, been investing its funds for so many years in securities which are excluded by this clause, it would be unfair and unjust if we at once deprived them of that power.

Hon. Mr. BOWELL—Does it?

Hon. Mr. ALLAN—Assuredly. I cannot read it in any other way.

Hon. Mr. BOWELL—There is a vast difference between *ex post facto* legislation and this. The leader of the Opposition stated, as I understood him, that it affects investments already made.

Hon. Mr. SCOTT—No.

Hon. Mr. ALLAN—The distinction is very plain. If a company has a charter, under which charter it has had the right to make investments of a certain character, and in the exercise of that right has for many years been investing very largely in a particular way, and has made very large profits by so doing to the great satisfaction of their policy-holders, is it right to come now and say without any previous warning, that for the future it shall no longer make any such investments? I think it is taking a very strong step and one which I hardly think is right, because it is for the future abrogating the privileges they have hitherto enjoyed under their charter. If this clause applied only to companies that might hereafter be incorporated for doing the business of life insurance, there would not be the same objection. Indeed, I have no doubt that one consideration which may have been present to the mind of whoever framed this clause was this—some of these securities in which the Canada Life now invest their funds, which under the conduct of so able and experienced an officer as the manager of the Canada Life may be perfectly safe investments, might not be equally so in the case of other companies, where the same discretion and the same ability might not be shown, but the simple point for this House to consider is whether it is right that we should now consent to make this amendment under all the circumstances. The bill has come back to us from the Commons, having been previously thoroughly discussed and criticised in this House, (and the insurance companies fully heard on the subject) with this unexpected amendment. Their representatives left here under the impression that they and the Government were of one mind on the subject. Is it right now that they should suddenly find themselves with a clause sprung on them which interferes with their charters to such an extent that it restricts their right to make investments which up to now they have made, and from which they have reaped large profits thereby enabling them to give their policy-holders large bonuses and make money in a way which it will not be possible for them to do if they are confined to the investments mentioned in the Act? I feel, as a Canadian, very proud of the progress made in life insurance business in this country during the last few years. Many of us can remember when we had not a strong life insurance company in the country, and in my younger days when I wished to insure my life, I had to go to an English company for the purpose. No greater boon has been conferred on the country than the means which our Canadian life insurance companies furnish to young men both to insure their lives at reasonable rates, (far lower than they could have done in any English company), and to insure in companies which are beyond suspicion as to their stability and soundness. There is no company among our Canadian life assurance companies which will be hit so hard and at the same time ought, of all others, to be exempt from any sudden legislation of this kind, as the Canada Life. I am a policy-holder in it myself, and looking at it from that point of view, I should regret exceedingly if this clause were adopted without, at all events, some reasonable time being given for further and more mature consideration. I submit that it ought not to pass this session.

Hon. Sir FRANK SMITH—I am sorry to have to say a word on this subject. I am not personally interested in the Canada Life, and last night I thought that the temporary leader of the Government in this House believed he might do something to reconcile the parties interested in it. After yesterday, I found that they did not feel inclined to let that clause stand over for a year. Seeing that, I asked for an amendment to sanction loans on stock of companies that had no bonds issued. Until I came into this House I supposed that that amendment would be placed before us. That amendment, I am told by the hon. gentleman who has charge of the bill, he will not put. I am very sorry that he will not do so, because I am interested in the Toronto Gas Company, whose securities are as good as the securities of the Government of Canada to-day, I paid 83 premium a

year ago for the stock, and it is now held at 90 premium.

Hon. Mr. POWER—The hon. gentleman does not expect an insurance company would pay such a premium as that ?

Hon. Mr. DEVER—What dividend does the stock pay ?

Hon. Sir FRANK SMITH—It pays a dividend of 10 per cent. On that stock according to this bill they could not lend anything. The object of this amendment was that the stock of any company that had issued no bonds should be included in the list. The hon. gentleman in charge of the bill says he will not make that amendment. I am very much surprised that he will not. If I were in another position I would vote against it. I am so situated that while I am here I am in duty bound to support my Government, but I say I think that the Government ought, as they have done in dealing with other bills this session, to have softened down somewhat; they should either allow the matter to stand over for one year, or accept that amendment which would give a considerable advantage to companies which have no bonds issued and whose stock is just as good as the debentures of the Dominion Government. That is the position I am in here to-day. I did not know until I came in here that that amendment was not going to be moved.

Hon. Mr. POWER—I suppose I should not say anything about those amendments, because I am not interested in the subject myself. I can imagine that members have listened with a little surprise to the remarks made by the hon. gentleman from Toronto, but I do not think, if I may be allowed to interfere in a matter which does not concern me, that the language used by the hon. gentleman is remarkable at all, because he conferred with his colleague last night when he gave notice of this amendment, and I presume he has not been notified of the change. He was a faithful follower of the leader last night, but he has not kept up with him, and is in the same place to-day as he was in last night. That is not a very serious backsliding on the part of a member of the Government. I do not agree with the remarks made by the hon. gentleman who preceded me. It does not follow because Canadian insurance companies have been wisely and prudently conducted in the past that they will be equally well conducted in the future. It may be that a company, after being conducted in a prudent, conservative way for years, under new management, enter upon a different course of proceeding. If there were any substantial evidence of that in connection with any of our Canadian insurance companies, I think it would be a good ground why the Government should, during the recess of Parliament, make inquiry. If allegations of that sort have been made, and there is apparent foundation for them, it is the duty of the Government to make inquiry and next session to bring such well considered amendments to the existing legislation as will meet any difficulty that they foresee, but to take the step which is taken in this amendment without notice to the shareholders and insurance companies, and without notice to the stockholders to amend the law in such a way as to sweep a vast field of investment from these companies is quite unjustifiable. That is the way I view the matter, and as neither the stockholders, or the shareholders have asked for such legislation as this, as neither stockholders nor policy-holders are aware of this proposed legislation except a very limited number, it would be a sort of breach of faith on the part of Parliament at this date to interfere in this way. I wish to call the attention of the hon. gentleman who leads the House and of the Conservative members of this House, to one feature of this amendment which has been adverted to but has not been dwelt upon as much as it ought to be. This Canada Life, the Sun Life, and one or two other companies have grown up as the result of Canadian enterprise and capital. If we pass this restricted amendment, these companies will be placed in a much worse position than foreign companies. An English or United States company can come into Canada and invest in these Canadian securities which our own insurance companys cannot invest in. Clearly that is not right. I say that this amendment has been proposed without sufficient consideration. The prudent and just course for the Government is not to ask the House to concur in this amendment, but to take steps during the recess of Parliament to devise a measure to meet the danger, if there be any danger which may exist in case the companies are to make these investments. That is the way it strikes me.

Hon. Mr. ANGERS—I wish to explain to the House that what I have done in relation to withdrawing the amendment, I have been authorized by the leader of the Government to do, and I have done nothing that anybody in this House or outside of it has a right to question. What I have done is within my right, and my authority and instructions. Coming back to another point, I wish to state to the House that this clause enacts nothing new. It is incorporating in the Insurance Act a clause and an enactment which is embodied in the charter of every company incorporated for the last ten years. The policy of this clause has been accepted by Parliament before, and I do not suppose there is a member in this House who has not voted for a similar clause whenever an insurance company came to us for an Act of incorporation. Hon. gentlemen know that for ten years past it has been the policy of this country, and why should we be asked to-day to reject this enactment. Now, who asked for this legislation? Did the policy-holders move in that regard? For ten years past they have been moving for this, and for ten years past Parliament has, upon every occasion that they incorporated an insurance company, agreed to this and limited the powers of investment and loan. Referring to the fact that foreign companies have a wider scope than Canadian companies, a company coming from abroad and doing business here, can invest money in any manner that its foreign charter allows. That is perfectly true, but that is beyond our power. We have no right to legislate for them. We are only legislating now for Canadian companies; the clause enacts nothing new, does not take the people and this House by surprise, nor the companies. They know that the general policy of the country for years back has been not to allow companies to invest or lend as they please, but to have a limited amount of stock in which they can invest. They are all informed of that, so that it is not quite correct to say that this clause has been sprung upon the country or the Canada Life Company. Hon. gentlemen will recollect that this bill was initiated in this House. We gave it the best attention we could, and we inserted a clause which was not in the same terms as this, but the object of which was to prevent any company, or the managers of a company, or any shareholders of a company, from wrecking the interests of the policy-holders, and it provided that in future there should be this limit, so as to prevent any shareholders, representing a small capital like $125,000, constituting the board as they chose and investing some thirteen millions of accumulated assets to suit their own interests or the interests of their friends.

Hon. Mr. MACINNES (Burlington)—The capital of the Canada Life is one million.

Hon. Mr. ANGERS—The hon. gentleman from Burlington must recollect that I do not speak of the Canada Life. I put a case for the House to consider so that I may be fully understood. I charge nobody at all. I said at the outset that I would not in any way follow the course which perhaps has been pursued elsewhere and point out any bad investment; it is not my duty to do that. What I state is that this House had put a clause to guard against this, limiting the number of votes according to the capital possessed by one man. This clause has been taken out, and to arrive at the same result the House of Commons has passed the clause which applies to all insurance companies incorporated during the last ten years. So that this House cannot complain that the clause has been sprung upon us or sprung upon the House below. It has received full consideration.

Hon. Mr. BELLEROSE—I cannot agree with everything the hon. Minister has stated. He seems to have taken the floor simply to prove that we were not interfering with vested rights, but he has failed to furnish any argument to show that he is correct. On the contrary, he admits that the clause which was in the bill before it went to the Commons, and the clause which is now there, interferes with companies incorporated 20, 30 or 40 years ago. How can those companies which were incorporated 40 years ago be dealt with? Generally speaking, I say, they ought not to be interfered with. There should be very good reasons before we interfer with those rights. Has the hon. Minister produced any such reasons? Has he given instances?

Hon. Mr. ANGERS—I could not do that without hurting a company.

Hon. Mr. BELLEROSE—And we cannot do this without hurting somebody. We

should not interfere with those rights unless we have good reason to do so, and unless we know what we are about. If we interfered with those rights we would not know what we were about. If we had any evidence that the policy-holders in any company complain that the company is doing wrong, and that some day or other they may lose their insurance, then I would say we ought to do something in the interests of the country at large. Such, however, is not the case, but the contrary. Those who have policies are willing to remain as they are now. They oppose any such amendment, and yet the Minister is surprised when we ask for delay, because he says we have for ten years past put such clauses in our incorporation acts. Still, we may be wiser to-morrow again, and that does not give us the power to interfere with what was done 20 or 30 years ago. If the hon. gentleman would add to the clause the words "except those companies which have been incorporated previous to this day," I would vote for it, because I believe the Government is right, and I believe it is their duty to see that the public at large are protected. We must proceed in the right way, and we cannot take acquired rights from those companies. I was happy to be the seconder of the motion, because I thought the prayer of the companies that the matter should be left over until next year, so that it could be fully discussed, was a very reasonable one, and that the Government would not hesitate to grant that request.

Hon. Mr. CLEMOW—It is quite apparent that the feeling of the House is in favour of the amendment being withdrawn at the present time, and I hope the Government will assent to it. The matter has been fully discussed and I think the point raised cannot be disputed. We have had no adverse vote taken this session, and therefore I ask the Government to withdraw the amendment.

Hon. Mr. MASSON—Since I have been in politics I have never witnessed the sight which I have seen this afternoon—one of the Ministers standing up and condemning the action of the Government. I have never heard a Minister in the House state that he was authorized by the Prime Minister to do a certain act, implying that none of his colleagues had a right to object. Ministers cannot come before the chamber divided. They must be a unit. If they do not agree, let them disagree in private and not come to the House, and my advice is to adjourn this debate and allow the Ministers to talk it over among themselves.

Hon. Mr. ANGERS—I cannot withdraw the clause inserted by the House of Commons. The motion of the hon. member from Burlington is before the House, and it will decide upon it. My instructions are to press this clause, and I have only one leader.

Hon. Mr. BOWELL—I think it is exceedingly unfortunate that there should be any misapprehension upon so important a subject as this, and I confess that I concur to a very great extent in the remarks made by my hon. friend from Mille Iles, but I would like to make one or two remarks, not on the merits of the bill, for I have not given it that study which its importance demands. I was a little surprised at the remarks made by the hon. member from Burlington and another hon. gentleman who spoke in reference to the bill itself. The hon. member from Burlington informed the House that the deputy minister of the department had made the statement that he had drafted the clause and was responsible for it. Now if the deputy made any such remark—and I have no reason whatever to doubt the literal accuracy of the statement—he did what was decidedly wrong. It must be borne in mind that all deputy heads receive instructions from their Ministers to prepare such and such bills. It may be quite true that from their experience in the management and working of the departments they may know more, and would necessarily know more, of the actual working of a clause in any bill, and know how it affected the interests of those who were insured in the companies, than the head of the department, and for obvious reasons. The deputy head is permanent. It is his duty to constantly study the working of all acts which come under his immediate supervision, while the head of the department is political and if he is not too egotistical, he will find it to his advantage to take suggestions and receive information from those who must, as I have already said, of necessity know as much if not more than the political head himself. There are gentlemen in this House who have occupied similar positions to that which a Minister occupies

to-day, and they will concur in the full force and correctness of what I have stated.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BOWELL—Therefore, I do not think it fair on the part of my hon. friend from Niagara—for whose opinion I have very high respect—or my hon. friend from Burlington—and no man holds him in higher esteem than I do—to say that a deputy arrogantly assumes the responsibility, and for another to declare the bill to be the emanation of a clerk of a department. The Government having introduced the bill, are responsible for its provisions. The hon. member from Niagara, not approving of this clause, suggested that it was equivalent to a vote of want of confidence in respect of that clause. It is the right of every independent member who sits upon the floor of this House, if he does not approve of a clause of a bill or the principle involved in that clause, it is his duty to himself and the constituency that he represents, to vote against it, no matter whether it comes from the Government or not. That is the principle I held when I was an independent member of the House. If, however, it came to a question of voting want of confidence in the Government, I might hesitate before doing so even though I might possibly not approve of the particular clause before Parliament, for the reason that it might bring to power men in whom I had still less confidence, and for that reason sometimes, under our system of Government—and we all know it—we surrender a little of that independence of thought which everybody should have. My object in rising was to protest against casting the responsibility upon any clerk or deputy head of any measure that comes before Parliament with the sanction of the Government. The Government itself is responsible for this bill, no matter where they got the idea. They may have received it from the deputies or from the insurance companies themselves, or from other sources. I say frankly that I have a very high opinion of the practical knowledge and ability of the Deputy Minister of Finance in all matters of this kind.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BOWELL—But he may have strong views upon the question which are not in unison with those of hon. gentlemen who have to deal with the question here, and whenever interests are involved of the character dealt with in this bill, I cannot wonder at all that there may be very different opinions pro and con on the question. The question really resolves itself into a narrow compass. We have affirmed the principle for the last eight or ten years, as has been properly stated by my colleague, the Minister of Agriculture, of preventing new companies, or companies which ask for incorporation, from investing their funds in what are considered doubtful securities. In this case we have a company that has been eminently successful in its working. It has had a management that has never called down upon it the slightest reproach since its first organization, and I remember well when it was first organized in Hamilton, because I was solicited at that time to insure my life. I did not do it, and I have been sorry many times since that I did not. That company has had certain rights and powers of investing in certain securities—in fact any securities they please. They have been in the past successful, and as I am informed have made no losses in these investments. The question now is as to the passage of a law which prevents the continuance of a system which ten years' experience has taught the Government should not be continued. The bill interferes in no way with investments already made, but it prevents in the future their taking similar risks to those which they have been taking. That is really the whole provision of the bill, and it is quite evident to me, from the remarks which have been made by hon. gentlemen who have spoken, and particularly the difference of opinion between two of my colleagues, that it is a grave question whether it would not be better to accept the suggestion of the House as expressed by those who have spoken. However, my hon. friend has the bill in charge. I have no desire whatever to interfere with him in the discharge of what he conceives to be his duty, and, further, I like pertinacity when one has anything to do. My hon. friend from Ottawa laughs. I suppose he thinks that is characteristic of the gentleman who is speaking at this moment. I confess I do not like to be frustrated when I take a thing in hand, and my hon. friend, who is a mixture of Celt and Anglo-Saxon, probably has the same feeling. He submits the clause, and if it is defeated the Government will take the consequences.

Hon. Mr. BOULTON—The question that is put before us in regard to the amendment is that this be postponed until next session.

Some hon. MEMBERS—Yes.

Hon. Mr. BOULTON—We have been discussing the merits of the clause with which we are called upon to deal, whereas I think probably the debate should be confined to the advisability of postponing it till next session or dealing with it at once. There is a good deal in the position of the government that commends it to my mind, and I quite agree with the remarks that have fallen from the hon. Minister of Commerce. At the same time, I think it a reasonable request that the consideration of the amendment be postponed until next session. The Government bring in a general Bill of Insurance and they say for the safety of the public, not taking into consideration any one particular company, that it is desirable that they should limit the investment in certain securities that are offered. The plea has been put forward that those private companies who have their incorporations dating many years back, have the vested right to continue their investments and the privileges accorded to them under that incorporation without regard to this bill. If the Canada Life is allowed to continue to invest its funds at seven or eight per cent as the opportunity or good management may offer, and other companies limited to investments which only produce five or six per cent, or four per cent, as the case may be, it gives the Canada Life or other companies who have those vested interests a very great advantage over their sister corporations in the conduct of their business. It is a very great question to my mind whether it is not advisable to put all insurance companies upon the same basis, and not give companies which have this vested right that particular advantage. For that reason I would be disposed to support the Government, but I think it is a reasonable request that this matter should not be forced on the House at the present time, but that it should be delayed till next session.

The amendment was agreed to on a division.

The main motion as amended was then adopted.

Hon. Sir FRANK SMITH—It has been remarked here that this is the first occasion on which members of the Cabinet have disagreed on a government measure in the Senate. I can say it is not the first occasion. When Sir David Macpherson was Minister of the Interior, he introduced a bill here—I think it was the Torrens system bill. Sir Alexander Campbell requested him not to move that bill, and added: "I cannot vote for it—if you move it, I will vote against you." I rose and said to Sir David Macpherson at the same time that I would vote against it, that I could not be a party to such legislation. There is a precedent if one is required.

Hon. Mr. ANGERS—Although there may be a precedent for it, I think it is one that it is not desirable to follow.

## SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (164) "An Act further to amend the Act respecting the Senate and House of Commons."

The bill was read the first time.

Hon. Mr. ANGERS moved the suspension of the rule, and that the bill be read at length the second time at the table.

The motion was agreed to.

Hon. Mr. ANGERS moved the third reading of the bill.

Hon. Mr. POWER—This practice, which was introduced for the first time about three years ago, of dispensing with a certain number of day's attendance, is a very objectionable one. Under this practice gentlemen who leave their legislative duties and go away to attend to their affairs, which they think more important than their legislative duties here, are enabled to be paid at the expense of this country for the time that they have been absent, just as though they had been present attending to their duties here. That is a highly objectionable proceeding. There is not much doubt but that there is a looseness in the other chamber with respect to the attendance of members. It has been stated that gentlemen who have been absent

from the House of Commons for a very long time occasionally drew a surprisingly large proportion of their indemnities. That is only a rumour; but with respect to our own House, under the 26th section of this Act respecting the Senate and the House of Commons, a provision is made which is to the effect that every day after the first day upon which a member attends a sitting, upon which there is no sitting of this House, counts for the member as though he had been in attendance. It is provided that a member must attend at least thirty-one days. The meaning of that was that a member could not draw his thousand dollars less the deduction for absence unless he had been here thirty-one days. There are one or two words in section 26 which nullify the effect of that.

> Each day during the session, after the first on which the member attends as aforesaid, on which there has been no sitting of such House in consequence of its having adjourned over such day, shall be reckoned as a day's attendance in such session.

The consequence of that is, as we have seen in several sessions, an hon. gentleman comes here and is present at one or two or three sittings, at the beginning of the session. He then goes home and attends to his own business during the remainder of the session, and then at prorogation he is entitled, under the construction put upon this Act, to draw nearly as much money as if he had remained a whole session, and when we give him twelve days, we increase the evil. Take the present session for an illustration. This has been an unusually long session. By Saturday we will have been sitting seventy-two days. An hon. member could come here the first day of the session and never come again—he could have gone home and attended to his own business and never appeared at the capital again during the session. He is allowed to deduct twelve days off the seventy-two by this measure before us. That leaves sixty sittings, which are to be deducted at the rate of $8 a day. That is $480 deducted from $1,000, leaving $520, paid to a member, besides his travelling allowance for coming here and attending one day. That is a clear violation of the intention of Parliament when this Act was passed. I look upon it as a serious scandal, and it is the duty of the Government, who are responsible for the public money, to see that the money of the country in the future is not paid away to gentlemen who do not come here to earn it. I have the greatest respect for a number of these gentlemen who do that; it has been the practice for a great many years, and it is a practice which should be put an end to. As a general thing gentlemen who do absent themselves are men to whom the money is no object. They are nearly all rich men. It is the duty of the Government to have this law so amended next session that this abuse cannot be perpetrated and put an end to this ignoble practice of bringing in a measure to pay members as though they had been serving the country when they were attending to their own business. If the indemnity is not large enough, the correct and respectable thing is to increase it, but if it is large enough, gentlemen have their choice, and if they leave their parliamentary duties and attend to their own private affairs, they should suffer the consequences. The country should not pay them for the time when they have not been attending to their parliamentary duties.

Hon. Mr. KAULBACH—My hon. friend has not spoken too strongly on this subject. I remember three or four years ago having brought the subject before the then leader of the Government in this House, who at first thought that the law was not correctly expounded by my hon. friend, and that it was too absurd to imagine that that was the consequence of the Act. The leader of the House was convinced of the correctness of my statement that actually the law offered a bonus to members to come here at the opening of the session and remain away the rest of the session. By coming they retain their seat. Those who are called to this House are presumed to be men qualified to come here for legislative purposes, and I believe they have no right to hold seats here unless they attend to their public duties. It is an invasion on the rights of the people to come here for a day or two and go away for the rest of the session. I agree with my hon. friend that to those who stay away the indemnity is of no importance—they do not care if the law is changed, but in addition to that to give those people actually a bonus of twelve days additional is simply a corrupt practice. This is only intended for one session it is true, but two years ago, when we had a long session, we had it before. It is now being perpetuated. In fact, we might as well put

it permanently on our statute-book. I believe it is wrong and inducing members to neglect their public duties. I come here at the beginning of the session and remain here at any sacrifice to attend to my public duties. Men who are not prepared to do that should stay at home and submit to the reduction made, but to get this indemnity every year without earning it is unjust to the public and not fair to those members of the House who are regular in their attendance. If this thing is attempted again, I give notice that I shall oppose any such legislation. If the indemnity is not large enough let it be increased, but let those who stay away pay for it and I would increase the deduction to $10 and punish them for being away from their public duties, instead of offering them a bonus, as we do by this bill, for absenting themselves.

Hon. Mr. BOULTON—As this is before the House I should like to point out how it affects those who live far from the capital. The reduction is practically of no value unless you leave and neglect your duties. We who live in Manitoba cannot take advantage of the 12 days. If we were to leave towards the end of the session and take the advantage of it we would leave, probably, at a time when some of the most important legislation is going on. I think some allowance should be made for those who live at a long distance from the capital, to whom a reduction of twelve days does not afford a chance of returning to their homes. It will be nearly five months before I get back, and it is certainly a greater sacrifice to us who cannot go home on a Friday and return on Monday as so many members are able to do, and to whom twelve days affords an extra advantage.

Hon. Mr. McMILLAN—You get a large mileage.

Hon. Mr. BOULTON—I get the same proportionate mileage as you do, no more. It costs me $100 to come here and $100 to return. If I make use of a free pass I would save the fare each way, which, including the pullman car, is $120, but I say and believe that the free passes as given at present are improperly given. If free passes are to be given they should be given in such a way as to preserve the independence of Parliament. They should come through the Government as a matter of right or not at all. It is an advantage if public men could have the opportunity of moving about the country freely: the country is so extensive, travel is beyond the means of many. We who stay here and attend to the legislation of the country, and live at such a long distance, are at a disadvantage so far as the allowance made by this bill is concerned.

The motion was agreed to and the bill was read the third time and passed on a division.

## BILLS INTRODUCED.

Bill (159) "An Act respecting land subsidies to the Canadian Pacific Railway Company."—(Mr. Bowell.)

Bill (165) "An Act to amend the Acts respecting Dominion notes."—(Mr. Angers.)

## FRENCH TREATY BILL.

### THIRD READING.

Hon. Mr. ANGERS moved the third reading of Bill (147) "An Act respecting a certain treaty between Her Britannic Majesty and the President of the French Republic."

Hon. Mr. TASSÉ—Before the bill receives its third reading, I wish to put on record some of the reasons for which I support the treaty—reasons which I would have given the other night but for the lateness of the hour and the general desire to come to a conclusion on the second reading of the bill. I must say at the outset that I do not support the treaty, passed by our plenipotentiaries, Lord Dufferin and Sir Charles Tupper, because I feel, as several members of parliament, that we are in duty bound to ratify the same. The Government must stand or fall by the treaty, although they do not seem very much in peril. But Parliament is quite free to act as it pleases whilst admitting that the very gravest reasons alone should prevent us from endorsing the treaty. In a word I support the bill, because I believe the treaty is a fair one, not one-sided as it has been represented, a treaty based on mutual concessions, a treaty advantageous to France, but equally advantageous, if not more, to Canada. In a matter of this kind the Canadian interests should be for the moment our guiding star, and I would not hesitate to

denounce the treaty were I convinced that our interests have been sacrificed instead of being advanced by this measure.

It has been said that we have been endeavouring for the last twenty years to negotiate a commercial convention with France, but without success. This is too true. Failures have been as many as our attempts. Three times we have tried and three times we have failed. And now that we have succeeded, after having claimed for so many years the right of making our own treaties, this is not the proper time to jeopardize or minimize the advantages which we have secured through the persistent ability of our diplomats. In the preceding overtures which we have made, what have we asked from France? In almost every case a reduction of her timber duties in exchange for a reduction of our wine duties. And still we were unable to secure even that limited commercial arrangement. Whilst now we have secured the tariff minimum on not less than eighteen articles. It suffices to look at the lists to ascertain that the lumber interest has been fully presented. Building timber in rough or sawn, wood pavement, staves, wood pulp, furniture of common wood, furniture other than chairs, of solid wood, common flooring in pine or soft wood, wooden sea-going ships will all receive the advantage of the minimum tariff. As France imports lumber to the extent of about 16 millions, the treaty opens up an immense market. The lumber interest is by far the greatest industry of Canada. Hundreds of millions are engaged in it. It is an industry in which the Maritime Provinces as well as Quebec and Ontario, not to speak of British Columbia, are deeply interested. The United States, Sweden, Norway and Russia are our strongest competitors in the European market. But this competition is an unequal one at the present moment, as they all enjoy the advantages of the minimum tariff, whilst we have to meet all the disadvantages of the maximum tariff. Mr. Dalton McCarthy holds the view that the difference between the minimum and the maximum tariff on lumber is not very great apparently, but that he would be willing to let that difference be appreciated by practical men. Well, let the practical men speak. I am quite willing to abide by their decision. We heard the other night the hon. gentleman from Gloucester, a leading lumberman, a good judge of lumber, and what he said would warrant us in endorsing the treaty. The hon. member for Northumberland, who sits next to him, is also a well known lumberman, and he has publicly acknowledged the importance of the trade in New Brunswick, from the Miramichi district in particular, and from the port of St. John with the ports of France. He has not hesitated to assert that the non-ratification of this treaty has done that interest a great injury during the past year, that lumbermen would have made a great deal more money if they had been able to prepare their exports on the favourable terms provided by this treaty; and that he and others in this business are anxious and waiting for the ratification to take place. Let us hear another practical man. Among the papers submitted to us in connection with the treaty, there is a letter from Mr. H. G. Goodday, a lumber merchant of Quebec, in which he states:

> The present difference to the prejudice of Canadian wood imported into France is about $1.50 per thousand feet.

I must state here that the hon. members for Gloucester and Northumberland put this figure at about $1.32. Mr. Goodday continues:

> And as shipper of such, I am desirous of speaking to my French buyers with some knowledge of the subject as regards their future position. If some hopes were held out of an early ratification of the treaty there is no doubt that a good and profitable business could be done with France this season. I am given to understand that lumber shipped from the United States to France pays the minimum tariff and I would learn with pleasure that Canada is shortly to avail herself of the same advantage.

In the face of such evidence I am more than surprised to find another prominent man, Hon. Mr. Laurier, stating publicly after having compared the difference between the minimum and the maximum tariff.

> The difference is so small when we consider that lumber is such a bulky article that it is impossible to suppose that we shall derive from it any serious advantage.

If Mr. Laurier does not realize the difference between the minimum and the maximum tariff, the lumbermen of Canada fully realize it, unable as they are, owing to that difference, to compete with Norway, Sweden and the United States, and knowing, at their own expense, that the number of vessels loaded with lumber was reduced from 38 in 1891, to 17 in 1892, the tonnage being reduced from 25,640 tons to 10,775 tons during the same years. Evidently,

many of those, even among the cleverest, who denounce or underrate the treaty have made but a cursory examination of its contents and its probable consequences.

Hon. Mr. BOULTON—Was the minimum tariff in force then?

Hon. Mr. TASSÉ—Yes, in 1892.

Hon. Mr. POWER—Lumber was free in 1892.

Hon. Mr. TASSÉ—It was free before France established its maximum and minimum tariff in 1892, that is to say, when France had the conventional and the general tariff. But that is a matter of the past.

Hon. Mr. POWER—If my hon. friend will allow me to interrupt him, I will state that under the minimum tariff lumber is subject to a duty of $1, and under the maximum it was $1.50, so that we are not back to where we were.

Hon. Mr. TASSÉ—Canada is not responsible for the legislation of France.

Hon. Mr. BURNS—Does the hon. gentleman say that lumber was free in 1891?

Hon. Mr. POWER—I have the authority of the hon. Minister of Finance in the other House and the Minister of Trade and Commerce.

Hon. Mr. BURNS—In quoting the different rates a day or two ago, the hon. member from Ottawa mentioned the duty which prevailed in 1891.

Hon. Mr. POWER—I am not responsible for the statements of the hon. member from Ottawa, but I take it that the statement of the Minister of Finance is correct.

Hon. Mr. TASSÉ—I have no doubt that that statement is correct. Now let us pass to another item of the treaty. France is also a good market for our canned lobsters. We shall receive the advantage of the minimum tariff. Lobsters form a fourth of our exports to that country. Too much importance cannot be attached to this industry as it represents an annual value of $2,200,000 compared to $1,800,000 for the United States. It appears, however, that the quantity sold in France is much larger than the statistics would make it appear. It is sold under false marks probably by the same dealers who sell our cheese in England under the American stamp. A couple of years ago, the Hon. Mr. Fabre, a former member of this House, and our commissioner in France, drew the attention of the Government to that illicit trade in a letter dated the 25th February, 1892:

> There is no doubt that the use of canned lobsters is much greater than appears in the statistics. In my report of the 20th March, 1892, I informed the hon. Secretary of State that one of the results of the Canadian steamship service, just opened with Halifax, was the direct importation of considerable quantities of canned lobsters which formerly came through the United States, where the original marks, as it was proved hereafter, were fraudulently destroyed. The same remark applies to the salmon of British Columbia, which are much in demand in France, as I have been able to ascertain personally in visiting the principal alimentary houses of Paris.

The minimum duty on lobster is $5 per one hundred kilos, and $6 is the maximum. There would be also a fair market for cattle, asbestus and agricultural implements, but I am sorry to say that these are not included in the tariff, the people of France being loath to facilitate the entrance of articles which are in any way connected with agriculture. As to cattle the minimum and maximum tariff is the same, $2 per one hundred kilos and $3.50 for sheep.

Now, let us see the other side of the question. Let us ask what we give to France in consideration of the advantages granted by her to Canada. We suppress the duty of thirty cents *ad valorem* on all wines containing twenty-six per cent or less of alcohol; we reduce by one-half the present duty on common soaps, savons de Marseille, and we reduce by one-third the duty on nuts, almonds, prunes and plumes. Undoubtedly the greatest concession which we extend to France, is the abolition of the 30 per cent duty ad valorem, but it is a concession that we have been prepared at all times to make. It has been incorporated in our statutes as a standing offer. That duty was even imposed with the object to compel France to come to better terms, and it has fulfilled its object, for the importation of French wines has been increasing slowly ever since, to the profit of Spanish wines, although the use of wine has been more general among the people. In 1878, we imported directly 91,771 gallons of French wine, and, fourteen years after, the amount did not exceed

127,697 gallons, an increase of 39 per cent, whereas the Spanish wines increased from 113,203 gallons in 1878 to 194,111 gallons in 1892, an increase of 71 per cent. The grape growers and the wine manufacturers of the Niagara Peninsula, who have found such a valiant champion in the person of the hon. member for Monck, complain that their present industry will be injured by the abolition of that duty. But they forget that they cannot supply the clarets, the burgundies and the champagnes, that our duties on wines are heavier than those of any country but Russia, and perhaps the United States, that the specific duty of 25 cents per gallon is still charged on all wines, and they have thereby a protection estimated by some, taking into account the purchase price, at 100 per cent.

Hon. Mr. ANGERS—Say 40 or 50 per cent.

Hon. Mr. TASSÉ—It is very difficult to estimate correctly the degree of protection, but it is quite sufficient to satisfy the views of a National Policy man, and I am proud to say that I am and have always been one of them. Far from being injurious to the home production, I believe that the introduction of French wines on a greater scale will have beneficial results. It will stimulate the use of wine, replacing I hope the stronger drinks, and thereby promoting the cause of temperance. The countries which consume the most wine are those who number the fewest drunkards. This is a recognized fact. Although France is the richest wine growing country, some have been surprised to learn that she imports more wine than she exports. In 1892, for instance, she exported only 246 millions of francs, whilst she imported 407 millions. France imports second class wines from other countries which, mixed with her own products, make a first-class article. There is no reason why she would not purchase a large quantity of our wine for that purpose. As our producers may require cheaper alcohol to fortify their wines, few will object probably if the Government, with a view to put them on a better footing, reduces the excise duty in a fair and reasonable manner.

It being Six o'clock, I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 p.m.

## SECOND SITTING.

The SPEAKER took the Chair at Eight o'clock.

Routine proceedings.

## THE FRENCH TREATY BILL.

THIRD READING.

Hon. Mr. TASSÉ resumed his speech. He said: When we adjourned the debate I was discussing the effect of the import of French wines into this country. I was demonstrating that the import would not injure the growing wine industry in the vicinity of Niagara and the south-west part of Ontario, and I feel confident that unprejudiced minds are satisfied on that point. Moreover, we must not forget that the wine manufacturers of Ontario declare, in their petition to Parliament, that their supply of wines, whether dry or sweet, is equal to the demand, and that they are sold at a cheaper price than wines of the same quality are sold in Europe. If their assertion is correct, and I have no reason to dispute its correctness, our wine manufacturers should have no fear as to the effects of the treaty. It is said that an unfair advantage has been granted to France because she may at any time denounce the treaty if we increase the specific duty on her wines, whilst to put an end to the treaty Canada must give a notice of twelve months. In every other case France must give the same notice. But this clause is not so one-sided as it may look—suppose we become dissatisfied with the working of the treaty, we have only to increase the specific duty on wine, and France herself shall have to terminate the treaty. A great deal has been said about the surtaxe d'entrepôt, but I am afraid it has not been correctly interpreted by the Minister of Finance. What is the surtaxe d'entrepôt? It is a duty of 3 francs 50 centimes charged on every 100 kilos, or 200 pounds, of goods coming from a foreign country and not shipped directly but going through another country to France. But if those goods are not landed at a foreign port and if they are carried, on through a bill of lading to France, they are exempted from the surtaxe d'entrepôt—the law of France leaves no doubt on that point, as we shall see by the following quotation:

When the goods have been loaded at the point of departure upon the same vessel that brings them

into France, the transport is considered as being direct, even in the case of cargoes afloat, that is to say, cargoes which at the port of departure had no fixed destination and were not sent to France until after the ship put in at a port where she took orders.

Under the same condition of loading at the place of departure upon the ship by which the importation is made, cargoes afloat cannot be required to arrive in France by the shortest route.

It is also admitted that direct transport by sea is not interrupted by putting into port on they way either in one or more foreign ports, in order to load or unload when the goods that have a right to a preferential treatment have not left the ship and when she has not loaded similar goods in the ports put into.

Sir Charles Tupper interpreted the law according to its true meaning, in a speech delivered on 29th November, 1892, in reply to a deputation from the county of Pembroke, which waited upon him to represent the advantages offered by the port of Milford Haven, in connection with a fast Atlantic service between Canada and Great Britain. Here is his interpretation of the law :

There was, however, one feature connected with the matter which had not been prominently adverted to. It was a feature to which Canada attached a deal of importance. That was they proposed to have not only a direct and rapid communication by going to an English port, but they proposed also to have a direct line of communication between Canada and the continent of Europe by requiring vessels to proceed on to a French port. Owing to a system adopted, and held with such tenacity by France, the trade between Canada and France was quietly obstructed by the want of direct steam communication between the two countries. Now a vessel coming to an English port in the first instance would not at all affect the regulations in France, provided the vessel went on under through bills of lading and delivered her cargo, if intended for France or any port of the continent of Europe, without having landed it in England first. He drew their attention to that because, while listening to the very great attractions that undoubtedly the harbour in which they took so deep an interest was able to present, it occurred to him that they had not fully contemplated the effect of going to a French port.

While referring to this matter, let me tell you that years ago France allowed Canadian lumber to be transported through Norway without paying the surtaxe d'entrepôt, so that France granted us practically a preferential arrangement. Of course, our lumber pays now no surtaxe d'entrepôt as it is shipped directly by vessels which carry at the same time our cattle, our pearlash and our lobsters. I would like to say a word in connection with the steamers——

Hon. Mr. POWER—That is not a part of the treaty.

Hon. Mr. TASSÉ—If the hon. gentleman will not be so impatient, he will see that the line of steamers has an immediate connection with the treaty.

Hon. Mr. POWER—Not at all.

Hon. Mr. TASSÉ—There is no doubt on that point, and I do not see the object of the uncalled for interruption of the hon. gentleman. It has been stated, and repeatedly stated, that the Government acted with bad faith towards France, having promised to establish a direct line of steamers between that country and Canada, were the treaty to be ratified. No doubt, Sir Charles Tupper has intimated to the French negotiators that such was our intention, that a subsidy of $500,000 had been voted in 1889 by the Canadian Parliament—it was increased yesterday to $750,000—in order to secure a fast line which would connect us directly not only with Great Britain but also with the continent, through a French port. No doubt also Sir Charles Tupper has expressed the view, in his communications to our Government, that without a direct line of steamers, we could not take advantage of the tariff minimum as regards several articles which otherwise would have to pay the surtaxe d'entrepôt, a somewhat prohibitive tax, but there is not a line, not a word to that effect in the treaty. The matter, important as it may be, is not mentioned therein. But it is referred to in a letter, dated 22nd November, 1892, containing the proposals of the French commissioners ;

The Canadian Government shall undertake to give a subsidy of £100,000 to a line of steamers having for terminus a French port.

Was that proposal assented to by the Canadian Government ? No, on the 11th January, 1893, almost one month before the signing of the treaty, our Government telegraphed to Sir Charles Tupper that they could not accept the proposal anent a subsidy to a line of steamers.

*Re* French negotiations. Government cannot accept conditions involved in clauses concerning subsidy to steamers, etc.

The treaty was signed in Paris on the 6th February, 1893, and two days later, Sir Charles Tupper telegraphed from London that the notes exchanged between the pleni-

potentiaries, such as the one referred to, were not binding but optional. Notwithstanding that I have no doubt that such is the policy of the Government, that such is the policy of the Conservative party, and that ere long that policy will be an accomplished fact. We all know that during the years 1887, 1888, and 1889, the Parliament granted a subsidy of $50,000 a year towards a steamship service between France and Canada, at a time when even the smallest treaty did not exist, and that various attempts have been made since to establish such a service although they were unsuccessful, the promoters having neither the capital nor the experience requisite. I am glad to add that at this very moment there are forwarders who have already established a line between Antwerp and Montreal, two of their steamers plying between these two ports—who are negotiating with the view to enlarge their line and to communicate not only with Belgium but with France also. That enterprise I trust will be properly encouraged. I have noticed that there has been much ado over the fact that our exports to France in 1891 only reached $239,000 according to our returns, whilst we purchased from that country $1,671,000 worth of merchandise, so that our power to purchase from France would have been much greater than our selling power to her. Well, let us see the detailed statement of those exports.

| | |
|---|---|
| Abestus | $29,679 00 |
| Lobsters preserved in their natural form | 59,946 00 |
| Building timber, etc | 127,225 00 |
| Agricultural implements | 13,651 00 |
| Apples, dried | 3,125 00 |
| Clover seed | 2,687 00 |
| Books | 2,000 00 |
| Fruits presrved | 1,014 00 |
| | $239,427 00 |

In this connection I wish to put the public on their guard. Our system of statistics is yet in a very crude, incomplete, and sometimes delusive state. It needs a thorough reform, although much improvement has been effected in some branches.

Hon. Mr. BOULTON—Hear, hear.

Hon. Mr. TASSÉ—I have already established, in this very chamber, that our census was most incorrect, a permanent source of great injustice, in so far as the enumeration of English-speaking and French-speaking citizens of this country is concerned. And no satisfactory reply has been offered to the charge which I made and which is supported by uncontroverted evidence. Since, two eminent French economists, Mr. E. Rameau de Saint-Père and Mr. Onésime Reclus, who follow closely our national growth, have published elaborate criticisms on that subject, the first named gentleman in *La Revue Française* and the other in the *Nouvelles Géographiques*, of Paris, in which they fully endorse my contention. I need not add that this remark is not in any way directed against the hon. Minister of Agriculture, as we had not then the advantage of his presence in the councils of the nation. Well, our fiscal statistics, or many of them, I am sorry to say, do not seem to be more reliable in many respects. Such a matter is worth the attention of our indefatigable Minister of Trade. Our exports to France, for instance, have always been reduced by one-half if not more. By what process and for what object? I have not scrutinized the process, but the object may be fairly open to suspicion. This fact has been made quite clear in the course of the negotiations of Sir Charles Tupper with the representatives of France. Our High Commissioner contended, which no one will deny, that the balance of trade was much against Canada in her intercourse with France, that that balance of trade existed even under a tariff lower than the present one; but when he asserted that our imports from France were ten times larger than our exports to her, he was promptly interrupted by the French ministre plénipotentiaire, M. Gabriel Hanotaux, who told him that the figure of $239,000—the estimated amount of our exports to France—was absolutely false, and that the difference between our imports and our exports was not ten times greater, but six times, quite a material discrepancy. Sir Charles Tupper does not easily back down, we all know, but he had to do it. The returns of the various seaports of France were shown to him and he had to acknowledge that the French statistics, accurate as they generally are, were the only correct ones—according to the Canadian returns, the lumber exported to France in 1882 only reached $128,000 against $127,225 for the previous year, whilst the French statistics put the amount at $447,600, a difference of $219,600 in our favour, or a difference almost as large as the total amount of our exports to France, as estimated by our trade returns.

Hon. Mr. BOULTON—If the hon. gentleman will allow me to quote from the trade returns; I see an importation into France from English colonies in America. That of course includes Canada, Newfoundland, British West Indies, Honduras and all the colonies of Great Britain in America, and they are as follows: principal merchandise, cocoa, 5,500,000 francs; wood,—that is common wood, exotic, 3,100,000 francs; manufactured wood 900,000 francs. That is the total import from the British colonies in America and that is all the imports that are given there—no other of any kind or description. That is the official Trade and Navigation Returns of France.

Hon. Mr. TASSÉ—If my hon. friend will refer to page 21 of the papers laid upon the Table, the consumating of the negotiating *re* this very treaty, he will find the following note, dated November, 1892, from the French commissioner on this very point. In that note addressed to Sir Charles Tupper to be communicated to the Canadian Government it was said in connection with our exports from Canada to France:

> If, as is customary, the returns at the point of arrival are taken, it is found that the imports of Canadian products into France exceed greatly the proportions given by Sir Charles Tupper, thus: wood in the returns of the exports of Canada stands at 640,000 francs, whereas the returns of the French Customs Department, based upon the rate of valuation adopted by the permanent commission of valuators, show that we have received from Canada, wood of the value of 2,238,000 francs, representing upwards of 20,000,000 kilogrammes. The permanent commission of valuators for the Customs Department value Canadian woods, rough or sawn, as follows: 55 francs if in the rough, and 95 francs if sawn.

If hon. gentlemen will look at the letter from Sir Charles Tupper just preceding this note of the French Minister's they will see the following admission—that our trade returns are not accurate compared with the trade returns from France.

Hon. Mr. BOWELL—He does not say that.

Hon. Mr. TASSÉ—He does—Sir Charles Tupper says:

> The French Commissioners showed me replies from the various outports of France as to the amount of wood imported from Canada, and submitted a statement in confirmation of the accuracy of their assertion as to the amount sent from Canada to France, and which I was obliged to admit furnished very strong evidence that our returns of the exports of woods had been under-estimated.

I think I have made my point.

Hon. Mr. BOULTON—We have here the Trade and Navigation Returns of France. The hon. gentleman has drawn attention to the inaccuracy, according to his statement, of our Trade and Navigation Returns. There must be some tremendous discrepancy somewhere, because I have here the official documents of France and the official documents of Canada, and the total importations from the British American colonies, which includes all the colonies of America, are, cocoa 5,500,000; wood 3,100,000 francs and manufactured wood 900,000 francs. That includes the hardwood of Honduras and West Indies, or wherever wood came from, including Canada and Newfoundland. The exportations from France to all the British North American colonies is put down in the Trade and Navigation Returns of France at 2,600,000 francs whereas our Trade and Navigation Returns show upwards in 1892 of 12,000,000 francs. Our Trade and Navigation Returns show imports of 12,000,000 francs, and Trade and Navigation Returns show exports from France of 2,600,000 francs. There is an extraordinary discrepancy between the two returns.

Hon. Mr. TASSÉ—There is no doubt of that and that is the point I am making.

Hon. Mr. KAULBACH—That difference could not be the difference in value at the place of export and entry.

Hon. Mr. BOWELL—It is utterly impossible to come to any accurate conclusion of the trade of either country owing to the fact that the statistics are kept altogether differently. I have tried for months through our agent, the Hon. Mr. Fabre, to ascertain the exact importation and the prices paid for the articles coming direct from Canada. In their Trade and Navigation Return, from which the hon. gentleman from Shell River quotes the figures, or from the British provinces or from the American British provinces, as the case may be, and there is no distinction drawn between one province and another in those returns. It is a question I admit you have got to guess at to a very great extent. Then I would point this out, without desiring to interrupt my hon. friend, the statistics of France are more correct, so far as impor-

tations from any one country are concerned, than the export return of the country from which they are sent. The hon. member from Halifax knows quite well the difficulties we have had in trying to get the exact quantity of goods shipped from Halifax to a foreign port. I have scores of invoices put in my hand from Newfoundland. The same applies in reference to what my hon. friend has told me in reference to lumber from France. They will put 250 barrels of flour in their export returns when it should be 2,000, and the way we have discovered that is by the export entries made in the port and comparing them with the import entry in the country which they were sent to, and I need not say to my hon. friend from Halifax that that was one of the great causes of complaint they had against me, because I imposed penalties for not acting in accordance with the law, and I give that explanation in order to account for a discrepancy which will always occur so long as the statistics are kept so differently in the different parts of the world.

Hon. Mr. SNOWBALL—It is quite clear that the gentleman who is making a classification has never been engaged in the export trade of Canada, otherwise he would know that there are lots of ways of evading the laws, and I will tell you one of them. The deck-load law reads that a vessel shall not carry a deck-load of over 3 feet after the 1st day of October. If you give a vessel over 3 feet deck-load to a port in Europe you can get a little over freight, and by evading the law in this way it is sometimes profitable. I do not intend to evade the laws any more, but in the lumber trade we clear a vessel to a Mediterranean port, we clear it to Africa, with instruction to proceed to Marseilles. The cargo is sold and we clear to a foreign point to avoid the deck-load law. That is one of the reasons why France does not get credit for all that goes there, and a great many vessels going to French ports are sent in this way, because they have a lower rate of freight from the Baltic than they have to the Mediterranean. We cannot compete with ports north of Brest. When we get down to Bordeaux we can possibly get in there without disadvantage, but when we get into the Mediterranean the freights are pretty nearly equal and that is where the bulk of the eastern province timber trade is with the French Mediterranean ports, and a large number of vessels are cleared to Gibraltar and when they reach there they get their orders. So that for these two reasons we do not get the full value by your Trade and Navigation Returns, because we consign to Gibraltar and call there for orders, and because after the 1st October we consign to an African port to evade the deck-load law.

Hon. Mr. TASSÉ—I am very thankful to the hon. gentlemen who have so kindly interrupted me, but I must confess that I still stick to my contention that the statistics of France are more accurate than those of Canada in so far as the exports from Canada to France are concerned.

Hon. Mr. SNOWBALL—I say that is correct.

Hon. Mr. TASSÉ—I am not referring to the hon. gentleman. Not only has it been acknowledged by Sir Charles Tupper, our High Commissioner, that our statistics are less accurate in that respect, but the Hon. Minister of Finance has expressed the same opinion. In referring to France some hon. gentlemen, and the hon. member for Marquette is one of them, speak always of a people of 38,000,000, but they forget that the treaty applies not only to that country—and she is still a great country notwithstanding her misfortunes—but also to Algeria and other colonies of France. If my hon. friend had read carefully article 3, he would have found the following words:

> The following articles of Canadian origin imported direct from that country accompanied by certificates of origin shall receive the advantage of the minimum tariff on entering France, Algeria or the French colonies.

What is the population of Algeria, which is considered as a detached part of France, and of the French colonies, which are scattered in almost every part of the world, Asia, Africa, America and Oceania? About 20,000,000, of which Algeria alone counts nearly 4,000,000. These 20,000,000 added to the 38,000,000 of France, form a market of about 58,000,000, almost as large as that of the United States as far as population is concerned. Besides these 20,000,000 of colonists, France controls about 11,000,000 inhabitants of what are called protected countries, Tunis, Madagascar, Annam, Cambodia, Dahomey, Sahara, Soudan and Niger Region. The French colonies import about $52,000,000 and export $57,500,000; most

of them are nearer to Canada than to France, or to any European port. They consume more foreign than French goods, and we have already a large trade with Saint Pierre-Miquelon, and some of the West Indies. Now, let me allude to another point. If we judge by the utterances of some newspapers and some public men, this treaty was not made in the interests of Canada as a whole, but made specially to please the province of Quebec. Such a statement is not only ill-advised, inspired by prejudices which should have ceased to exist, but absolutely contrary to the facts. As a province, Quebec is less interested in this treaty than Nova Scotia and New Brunswick, because she exports less to France, and her colonies, according to our returns, than either of these provinces. The whole exports of Quebec to France and her colonies during the year 1892, represent but one-tenth of the exports of Canada to those countries. If you have any doubts on that point let me tell you that during the year 1892, Nova Scotia exported to France and her colonies $470,151, that New Brunswick exported to France and her colonies $148,570, when the exports of the province of Quebec did not exceed $67,356, and in the exports of Quebec we may fairly attribute a considerable share to Ontario, Montreal being the great distributing part of the Dominion. The point will be better illustrated by the following statement:

*Exports of the Dominion to France and her colonies during the year 1892.*

| | To France. | French Colonies. |
|---|---|---|
| Ontario | $ 20,489 | |
| Quebec | 44,592 | $ 22,764 |
| Nova Scotia | 160,228 | 309,923 |
| New Brunswick | 140,453 | 8,117 |
| Manitoba | 3,243 | |
| | $369,005 | $340,804 |
| | 340,804 | |
| | $709,809 | |

From this statement it will appear also that the market of the French colonies is not to be despised, as Nova Scotia, New Brunswick and Quebec exported to the colonies almost as much as to France herself.

Hon. Mr. BOULTON—Where do you take those figures from?

Hon. Mr. TASSÉ—From our trade returns.

Hon. Mr. POWER—Was not the bulk of that to St. Pierre-Miquelon?

Hon. Mr. TASSÉ—No doubt, but they are French colonies.

Hon. Mr. POWER—They are free ports.

Hon. Mr. TASSÉ—Free ports do not prevent them from being French colonies. In 1890, our exports to St. Pierre-Miquelon reached $184,782: they will necessarily increase. I wanted to show the extent of our trade with France and with the French colonies, and now I am going to contend that the market of that trade is still larger than the figures show.

Hon. Mr. POWER—It really does not affect the trade of St. Pierre-Miquelon.

Hon. Mr. TASSÉ—I do not say that the treaty does, as they are free ports, but I take into account the trade of France with our provinces. I want to show that there are two provinces which will be more affected by the treaty with France than the province of Quebec. The figures that I have submitted certainly sustain my argument. Much ado has been made, as I said, about the fact that our exports to France are only set down at $329,000 according to the trade returns of Canada. I think it is my hon. friend from Marquette who undertook more especially to make that point.

Hon. Mr. BOULTON—You did not get those figures from the Trade and Navigation Returns.

Hon. Mr. TASSÉ—I got them from the hon. gentleman's speech which is supposed to come from a good source. Will the hon. gentleman be kind enough to tell me where he did get those figures.

Hon. Mr. BOULTON—From the Trade and Navigation Returns of 1893 in the table of the value of exports to countries. The imports according to the Trade and Navigation Returns of 1893 were $2,832,000.

Hon. Mr. TASSÉ—I am not referring to 1893, but to the figures of 1891, which the hon. gentleman cited the other day. This treaty has been styled the little French treaty, but not, I am sure, with an offensive intent. It may be small as far as the number of articles affected thereby is concerned, twenty-four in all. It may be small if you compare the

population of one of the contracting powers with that of the other. It may be small as far as the loss of revenue, if any, is involved. The loss of revenue on the present trade is estimated at $82,000, but we must take into account that our imports from France are bound to be larger, and that the remaining duties will produce larger receipts. But it is not a small treaty if you consider its probable consequences in the near future. The hon. gentleman from Ottawa has tried to minimize France as an importing country, but he is utterly astray. France is not the mistress of the seas nor the greatest centre of trade and commerce, but as a rich nation she comes immediately after Great Britain. She is the second purchasing power of the world, her imports numbering about one thousand millions, the imports of the 65,000,000 of the United State not exceeding $800,000,000. She imports—and this is a material point to us—about $38,000,000 of articles similar to those which are indicated in the treaty; she imports $137,000,000 of goods, ruled by the same tariff which Canada can produce, and she imports also, in merchandise, about $220,000,000 of goods which Canada can produce also. To better illustrate the import of about $38,000,000 of the articles referred to in the treaty, let me mention the following facts. France imported in 1892 :—

| | |
|---|---|
| Lumber | $16,000,000 |
| Fresh water fish, fish and lobster preserved in their natural form | 8,450,000 |
| Canned meat | 7,300,000 |
| Prepared skins | 5,180,000 |
| Flavouring extracts | 2,090,000 |
| Staves | 2,050,000 |
| Boots and shoes | 1,350,000 |

I referred this afternoon to the extent of the lumber industry—according to those figures, France buys about $16,000,000, which shows how large is her market. Canned meat is also mentioned in the treaty. France imports $8,450,000 of fresh water fish, fish and lobster preserved in their natural form—which I am sorry to see gave so much trouble in so far as translation is concerned.

Hon. Mr. ANGERS—The translation is not good.

Hon. Mr. TASSÉ—That may be : I do not think it was translated by the Government.

Hon. Mr. ANGERS—It was translated on the other side.

Hon. Mr. TASSÉ—The bill was drafted in Paris ?

Hon. Mr. ANGERS—Yes, in both languages.

Hon. Mr. TASSÉ—Was it signed as prepared in both languages ?

Hon. Mr. ANGERS—Yes.

Hon. Mr. TASSÉ—I am sorry the interpretation of the treaty gave so much trouble in our higher circles, because that little incident, coupled with the controversy about soap, was given as the reason for delaying the treaty for a year.

Hon. Mr. BOWELL—In putting the interpretation on the treaty, I took the English version, and giving it the same interpretation as we would in administering the Customs Act in this country it would not bear out the interpretation given to it by those who understand the French language, and consequently we were misled by the bad translation, if such it were.

Hon. Mr. TASSÉ—Well, I am not complaining ; I am only asserting a fact which shows, besides, that perhaps the time is not ripe yet for the abolition of the French language, if we care to indulge a little more in diplomacy.

Hon. Mr. BOWELL—Unless we establish the English in France.

Hon. Mr. TASSÉ—The English language is an offspring of the French language. It is a noble language. But French is the language of the treaties. Let me continue my argument. Without a treaty the ports of France would be almost closed to our trade, as we could not compete with nations enjoying the minimum tariff whilst governed by a maximum tariff, which in many cases means prohibition. It is not a small treaty if you consider that it is but the forerunner of a greater treaty, a real treaty of commerce with France. Small as it is, that treaty is as important as the treaty which the United States secured from France two years ago. By that treaty we have obtained advantages which were denied to the United States ; for instance, the admission of lobsters at the

minimum tariff, notwithstanding the very strong pressure which they made. It is not a small treaty if you consider that it may be the predecessor of other treaties equally and perhaps more advantageous. Take the case of Spain for one. She exports a great deal of wine to this country, but she will draw no benefit from the present reduction of duty because the alcoholic power of her wines is above 26 per cent, and ere long she will apply probably for some concession for her wine in the fear that they will be superseded by the lighter wines of France. Sir Charles Tupper, I am bound to say, applied for a much larger treaty. Besides the eighteen articles mentioned in the treaty, he urged also the extension of the tariff minimum to asbestus, pearlash—pearlash is free—brooms, agricultural implements and machinery, sewing machines, clover seed, petroleum and coal oil, books, agricultural products, including hay and bran, cheese and butter, eggs, etc. But the High Commissioner had to be satisfied with what was attainable and no man could have done better than he did. In fact, he demanded the application of the whole minimum tariff. But after very serious consideration his proposal was declined, because, among other reasons, the French commissioners apprehended that the United States would direct the same classes of goods to France through the Canadian route. We must not forget also that, however protectionist France may be at present, her duties on Canadian articles will not exceed 10 and 14 per cent, compared to the Canadian duties of 38 and 40 per cent on French goods.

Some have been disappointed because cheese was not included in this arrangement, and I confess that I am one of them. Our cheese has become renowned throughout the world since it took the palm at the Columbian Exposition of Chicago. Cheese has become one of our best and most remunerative agricultural products: more that $13,000,000 is shipped to Great Britain alone, with increasing prospects, and we should lose no opportunity to open new markets to our farmers. A more opportune time could not be selected for that purpose, owing to the fact that the treaty with Switzerland has been rejected by the Chamber of Deputies. That country used to supply the 36,000,000 pounds of Gruyere cheese consumed in France. On that Switzerland will have to pay hereafter 25 francs, instead of 15 francs, the minimum duty, and Canada could produce that kind of cheese just as well as it produces the cheddar for the British market. We could have secured the admission of cheese had we been willing to reduce the duties on paintings, engravings, designs and architectural plans, which would have implied a loss to the revenue of about $3,500. I do not know what are the reasons which warranted the refusal of that reduction of duty, but I hope that the matter will be reconsidered, and that new overtures will be made to secure that object at the earliest opportunity. Regarding butter we shall not lose much, France importing very little of the article and exporting a much larger quantity. In 1892, France imported $185,258 worth of salt butter, but she exported during the same year $13,571,125, of which over ten millions were sold to England. Hon. gentlemen, this is not a small treaty if you consider the other difficulties which were in the way of our negotiator. His predecessor, the late Sir A. T. Galt, made so many excessive and uncalled for demands, in the negotiations of 1882, that the French statesmen were led to believe that Canada was not in earnest. Our representative demanded, for instance, what has never been granted to any nation, the abolition of the surtaxe d'entrepôt on all Canadian articles, and of the duties on cutlery and razors, although we have not yet a single manufacture of that kind—I question if the Dominion has yet produced a single razor—and although France is an exporter of cutlery. He also made promises which have never been fulfilled. Sir Charles Tupper had to meet all these difficulties, and it required a man of his commanding ability, of his convincing power, and of his indomitable perseverance to overcome them. Our High Commissioner was, no doubt, ably assisted by Lord Dufferin, Sir Joseph Crowe, and the other members of the British Foreign Office in Paris, but let us give credit to whom credit is due, as he was, in fact, our sole negotiator, his name will remain attached to the treaty, and deservedly so. If you have any doubt you have only to read the letters of Lord Dufferin to Lord Roseberry, of Lord Grey, and of Lord Ripon to Lord Stanley, then Governor General of Canada, which speak in the highest manner of the ability displayed by Sir Charles Tupper and his able assistant, Sir Joseph Crowe. It has been repeatedly asserted by the hon. member for Ottawa that this question was a

matter of business and not of sentiment. I agree with him to a certain extent. Still, sentiment is a great factor, a factor which you cannot eradicate from human affairs, even from commercial and political undertakings—there is a sentiment in the fact that trade follows the flag. I would rather deal with people I like, whose blood is mine, whose language I speak, whose laws and usages I know, than with people utterly foreign to me.

The distinguished gentlemen who assembled here lately at the request of the hon. Minister of Trade, from all parts of Australia, from New Zealand, and even frem the Cape, had no doubt a great business to transact. In their collective wisdom, they wanted to discuss the best means to open new avenues of trade between some of the most important colonies of Great Britain, to cement and enlarge their commercial relations, and if possible, to establish differential duties to their and to our own benefit. This was strictly business. But sentiment is not irreconcilable with dollars and cents. Apart from the material considerations, there was a sentiment which prompted them to travel so many thousand miles and to brave the perils of the sea with the view to accomplish such a purpose. Blood is thicker than water, even salt water. They came here also, to make the acquaintance of their elder and more powerful brothers of Canada. They came here to form a league union based on a community of origin and aspirations. They had heard a great deal of the vastness and richness of our domains, of the sterling qualities of their inhabitants, of our illimitable possibilities, and they wanted to see all that with their own eyes. They were proud of Canada before they came, but they tell us that they shall go home still prouder. They shall go home more determined than ever to benefit from what they saw, to make their own land greater, more prosperous and more closely united, and to co-operate in our efforts to throw additional lustre upon a flag which floats all over the world already covered with glory. Such a sentiment I respect and admire. Such a sentiment is most legitimate, most noble. It has made many a great man, it has built many a great nation. This is the very sentiment which, coupled with business considerations, induced the other day every French member of the House of Commons and the other night every French member of the Senate to vote for the treaty. It is true that one of us, and the most eminent on the Liberal side, spoke against the treaty, but, to atone for his offence he had to vote for it. The *Mail* had said that this treaty was a dream of the French Canadians, but it was likely to be effaced through English influence. Far from that, the treaty has been endorsed also by a great majority of the English speaking element.

Sir Charles Tupper knew the force of that moral power, and in his urgent representations to the French Government, in his efforts to present a case as strong as possible, he did not fail to remind them that there are still beyond the seas one million and a half of people of their blood who, although intensely loyal to Great Britain, still cherish the name of France, perpetuating her best traditions, speaking her noble language, and who would be immensely gratified if commercial relations were opened with her after more than one hundred years of political separation. Hon. gentlemen, in 1855 appeared the first ship, or rather the first sloop of war, *la Capricieuse*, which the waters of the St. Lawrence had floated since that separation. She was commanded by Mr. de Belvèze, special envoy of the Emperor of France. Almost a century had elapsed, and the rejoicings, the festivities were as general as enthusiastic, our English speaking brothers saluting her arrival with as much warmth as those of French origin. This was the year of the Universal Exposition of Paris. Canada represented by such men as Sir William Logan and Dr. Taché took a most successful part in it, her exhibits being a revelation to the world who had been led to believe that our country was but a few acres of snow. In that very year, under the auspices of Mr. de Belvèze, as the representative of France, and of Sir Edmund Head, as the representative of Great Britain, and in the presence of an immense multitude, was erected on the heights of Quebec a common monument to the heroes of the two nations who had fallen gloriously at the battle of the Plains of Abraham. The oration of the day was delivered by a former president of the Senate, the late lamented Hon. Mr. Chauveau, and it was a speech worthy of the occasion and of his eloquence. This monument teaches us that the days of the sword, of the rifle, of the gun are over, and that it remains to the descendants of those

heroes to know but one struggle, the struggle in the arts of peace, in those arts which are calculated to increase the welfare and the grandeur of the nation. That visit of Mr. de Belvèze, was a message of peace and marked a new era ; a French consulate was established at Quebec, at the request of the British Government (it is just being removed to Montreal), and the tariff of the countries was rearranged so as to facilitate the exchange of our lumber and other natural products, with the wines, spirits and fruits of France. Nothing but a powerful sentiment could have produced this great commercial transaction. That reciprocal tariff gave for a time quite a stimulus to our commerce, and our customs returns, undervalued as they have always been, fully demonstrate that during some years we exported to France nearly a million of dollars worth of our products. Unfortunately, misunderstandings occurred, the duties were raised on the products of the two countries, and of late years the trade between the two nations has been reduced to comparatively small proportions. To bring back a better understanding, a better trade and more prosperous days is the object of this treaty. Animated by those sentiments and convinced as I am that the treaty is still more advantageous to Canada than to France, that it will be beneficial not only to the province of Quebec, but to all the provinces of the Dominion, I shall not hesitate, acting with the imposing majority of this Parliament, to continue to support this treaty till it has become the law of the land and proclaimed to the world that the Dominion of Canada, in her onward march towards her destinies, is prepared to deal fairly and liberally with all men and all nations of good will.

The motion was agreed to and the bill was read the third time and passed.

## INLAND REVENUE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. BOWELL moved the second reading of Bill (158) "An Act further to amend the Inland Revenue Act."

The motion was agreed to and the bill was read the second time.

The House resolved itself into a committee of the whole on the bill.

(In the Committee.)

Hon. Mr. BOWELL—The object of the first clause is to provide that all the expenses connected with the seizure shall be taken out of the proceeds, and the balance shall be distributed.

The clause was adopted.

On the second clause,

Hon. Mr. BOWELL—The object of this clause is to enable the Inland Revenue Department to allow spirit to be put under excise supervision in any manufacturing establishment where the article is made for exportation, and not to exact the excise duty upon it. It is really to encourage the manufacture of the article in this country.

Hon. Mr. DEVER—Is it really any profit to manufacture a majority of the spirits manufactured here to-day? These spirits are not manufactured out of the native grain, but out of foreign grain, for which we have to pay gold, and worse than that, it is manufactured as raw grain spirit. We can make as good malt spirits here, as in any part of the world out of our native grain, but we have not attempted to do it to any great extent. I can show here, by the returns of the Inland Revenue Department for 1893, that the quantity of native grain used is insignificant as compared with the foreign grain imported and that we are supporting an establishment known as the Excise Department where the great bulk of the revenue which comes out of that department is on spirit, and that spirit is made out of foreign grain for which we are losing $1,649,321 per annum of revenue. We are giving a protection to-day, as against the same article manufactured any where else, of 62½ cents per proof gallon of spirit. In the returns of the Inland Revenue Department, I find that for the last two years an average of 2,638,915 gallons of proof spirit was duty paid and used in Canada. To make that spirit, 49,851,784 lbs. of foreign grain were used—Indian corn. I find that of rye we have used 9,893,545 lbs. That, I presume, is native. We have also used wheat, 702,247 lbs., oats 674,068, barley 104,000—only that quantity of barley, and that was converted into ale or lager beer, as I understand, and not into spirit. Consequently the whole of the spirit is made out of Indian

corn and a little rye and wheat, but the quantity of Indian corn as against the rye and wheat is so great that the native grain is hardly worth while speaking of. We are really making spirit out of imported instead of native grain, and consequently it cannot do any good to the country when you take into account that we are losing $1,649,321 of customs by protection of this article. We are losing that much duty to enable these people to manufacture alcohol out of corn, and I hold that it is for the Government to consider whether this is a proper transaction or whether it is not a foolish one. We are encouraging an unwholesome, vicious liquor, an alcohol made out of grain, and compelling our people to infuse it into other liquors because the duty on it is less by $1,649,321 than on the same quantity of malt liquor imported from abroad. This is a point worth looking into. We are going on from year to year and, apparently, do not seem to understand the genius of this thing. It has got so now that it has compelled us not to import good liquor on which we would pay $2.12½ per proof gallon, because liquor brought through the customs-house of the same strength pays $2.12½, and we lose or give to the distiller $1,649,321 per annum for making this stuff. If this is a prosperous pursuit, I fail to see it. I think, perhaps, it is one of the most losing branches of business which we have in the country. It is losing this much revenue every year. If we imported from abroad we would certainly have that much more revenue, and certainly a better spirit because this is a raw grain we are getting. Now the quantity of malt liquor made in this country at present is insignificant, and somehow or other our men do not see the point. If they would only make malt liquor and charge on it duty or excise, there would be some consolation, and we would feel that we were making a good liquor and leading our people to drink good liquor, but instead of that, we are restricting them to a liquor, which nobody would drink if they knew what good liquor was, and we are charging them too 900 per cent duty on it. Everybody in this country who drinks this liquor is paying 900 per cent duty on it. If we want this raw grain spirit or alcohol for medicinal purposes we can import it from the United States, and there we get it for a great deal less than half the price at which we can make it here, and yet we are compelled to use it from year to year, because it is shutting out the same quantity of good liquor which would come through our customs-house and we are losing a million and a half of dollars every year from the manufacture of it, yet there seems to be nobody to take hold of the matter and it is multiplying officers until we are eaten up by them and other expenses attending this Excise Department.

The clause was adopted.

On clause 4,

Hon. Mr. BOWELL — The principal change in this clause is to give power to refund the excise duty which has been paid upon spirits which have been used in the manufacture of malt extract when exported and the drawback also upon the malt.

Hon. Mr. POWER—There is no change in the duty?

Hon. Mr. BOWELL—No.

Hon. Mr. POWER—I notice there are two or three words left out in paragraph "A" in the bill, "without any allowance for ."

Hon. Mr. BOWELL—I think it appears in the last clause. It was brought under my notice during the consideration of the tariff that if they were given a drawback of the 2 cents per pound upon malt that they could carry on a general manufacturing business in Canada for export. Now as the principle of the excise law is not to exact duty upon liquor or beers in which malt is used if it does not go into consumption, it was thought advisable to extend the rebate to any manufacturing establishment that would manufacture any of these articles for exportation. It is to encourage the manufacture in this country and to give employment to our people.

Hon. Mr. DEVER—Every article of that kind should be manufactured out of our native grain. Anything by which we could use our native grain should be encouraged, but alcohol is used for every kind of liquor in Canada. Whisky is virtually alcohol diluted with water.

Hon. Mr. POWER—I do not think my hon. friend should run down our native whisky.

Hon. Mr. DEVER—I am in favour of malt from our native grain.

Hon. Mr. BOWELL—We are not dealing with the question of the manufacture of spirit at all, and in case we were, probably the remarks of the hon. gentleman might receive more attention than they have received at my hands just now.

The clause was adopted.

Hon. Mr. SNOWBALL, from the committee, reported the bill with an amendment, which was concurred in.

The bill was then read the third time and passed.

## CANADIAN PACIFIC RAILWAY LAND SUBSIDY BILL.

### SECOND READING.

Hon. Mr. BOWELL moved the second reading of the Bill (159) "An Act respecting the subsidy to the Canadian Pacific Railway." He said: The bill is important in one respect and simple in another. As the House is aware, under the Subsidy Act, lands were granted to the Canadian Pacific Railway in alternate blocks. A large portion of the land lying between Medicine Hat and Calgary on this side of Calgary is of a somewhat arid character from the fact that for two or three years out of five there is scarcely any rain. Consequently it is of a character which the Canadian Pacific Railway can refuse to take, not being arable or suitable for settlement. But there are about two million acres out of the twenty-five that have not been set apart for this company, and the company have agreed that if the Government will allot them their lands on this portion of country which is supposed not to be arable, though the soil is good provided it is watered, in blocks instead of alternate sections, they will accept that land, and through a system of irrigation bring it under cultivation. All it requires is water to make it probably one of the most fertile portions of the North-west. The House can readily understand that the Canadian Pacific Railway, or any person owning that land, would not be willing to construct ditches to convey the water from the mountains or from the river and thereby irrigate the whole portion of the country if one half of the whole land thus benefited was to pass into the hands of other people. The Government believe, and I think the House will affirm the proposition that it is better, if that land by means of irrigation can be brought under cultivation, to give it to the company in block instead of in sections. Provision is also made in the law protecting the sections which were reserved for school purposes, and also those sections which belong to the Hudson Bay Company. Their rights will not be interfered with until arrangements can be made with the Hudson Bay Company, by which they will either sell to the company or receive other lands in other sections of the country equally good in lieu of the lands which would be affected by this irrigation. These are the whole of the provisions of the bill, and in the other House it was supported on a vote by the whole House less some 15 members.

The motion was agreed to, and the bill was read the second time.

The House resolved itself into a Committee of the Whole on the bill.

Hon. Mr. SNOWBALL, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## SECOND READINGS.

Bill (149) "An Act further to amend the Act respecting the North-west Territories."—(Mr. Angers.)

Bill (165) "An Act to amend the Act respecting Dominion Notes."—(Mr. Bowell.)

The Senate adjourned at 10.10 p.m.

---

## THE SENATE.

*Ottawa, Friday, 20th July, 1894.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE MANITOBA SCHOOL QUESTION.

Hon. Mr. BERNIER—Before the Orders of the Day are taken up, with the consent of the House I should like to say a few words on a question which the Catholic members of Manitoba have very much at heart. I quite understand that this is not the proper time to make long speeches, but I wish to say a few words. At the opening of this session, I had the honour of making a motion

for the production of papers in connection with the Manitoba school question. I expected these papers would have been brought down early in the session, and would be printed and distributed amongst the members so that all the facts connected with that question would be before the House and discussed, and it was my intention then to make a motion founded on these documents. It is a disappointment to me not to have had those documents printed and distributed, but I have to deal with the circumstances as they exist, and, after all, as there is an appeal pending at present before the Privy Council, there may be no harm in suspending the consideration of the matter. I want, however, to inform the Government, the House and the country, that whatever may be the outcome of that appeal, we have no intention to recede from the position which we took at the outset, and it is the intention of the Catholic members of Manitoba to pursue their case as strongly as any constitutional means will allow. I wish also to put before the public a new incident in connection with this question. I want to refer to the legislation of the Manitoba Legislature during this last spring. These are public statutes to which I may refer. By the law of 1890 we contended that we had a right through the municipalities to levy school taxes to maintain our schools. We were deprived of our share of the public money, but we maintained our schools. After paying taxes for the other schools, we were still maintaining our schools out of our own money, and we imposed school taxes and the machinery of the law enabled us to collect those taxes, but in the legislation of the session of 1894, the Legislature of Manitoba has gone a great deal further. They have enacted that we shall not be able to collect any school taxes from the Catholic ratepayers by means of the municipality. That is the law now. It is an amendment to Chap. 127, sec. 151, of the Revised Statutes of Manitoba. That section provided that schools not conducted according to the regulations and the law of 1890 should not receive any share of the public money. The new enactment goes on :

> Nor in the municipal grant under section 115 and 116 of this Act, nor shall any school assessment be levied or school taxes be collected for the benefit of such school.

Though it may be the logical outcome of the first law, the first law being unjust to us we contend that this is an aggravation of the injustice, but the law goes further. The Act of 1894 goes so far as to confiscate our real and personal estates. Under the law that existed before 1890, we bought land for school purposes, erected buildings and school-houses and furnished them. All this property by the law of 1894, is confiscated. That law defines the duties and the powers of the municipalities when the organization of a school district fails to be continued by reason of non-election of school trustees or abandonment or non-performance of duties by school trustees. One of the duties of school trustees is to maintain the schools according to that new law, and by non-performance of this duty, by not conforming themselves to the law, the school district comes under this clause :

> The council of the municipality in which such school district lies shall have full power and authority and it shall be the duty of the said council to take charge of all the property of such school district, real and personal and to administer the same for the benefit of the creditors of such school district, if any.

Hon. gentlemen will see that all lands upon which schools are built, the school-house itself, the furniture, and even the money, if they could lay their hands upon it, would be confiscated. The municipality would have the right, and it is even their duty, to realize on this property, real and personal. What would be the result? First, they will have to pay the liabilities. I may mention that our school districts were generally without liabilities. What will they do with the residue? They will act with the residue according to subsection 2 of section 2 of chapter 28, 57 Victoria, 1894, which reads as follows :—

> Any funds which shall arise from the administration of the said property shall, after payment of liabilities, be kept in a special account to the credit of such school district, and disposed of as nearly as may be in accordance with the provisions of section 89 of this Act.

Now, the provisions of this section 89 of Revised Statutes, says :

> And the residue of such proceeds shall be applied to the erection of a new school-house in the old school district, or to other public school purposes of such old school district.

When it is said that it must be applied in that way, it means clearly that that money must be applied to school purposes according to the Public School Act. As the Catholics cannot conform themselves to that School Act, the consequence will be that the

money realized from the sale of school property purchased by our own money will be used to build school-houses for other people who have never contributed any portion of it. That is regular spoliation. I merely want to state facts which may be of some importance to hon. gentlemen, and leave it to them to appreciate the high-handed policy of the Manitoba Government. As to the North-west schools, it has been stated many times that the Catholic institutions were not subject to the regulations of the North-west schools as established at present in the North-west. I will merely read here an official document coming from the North-west Territory, and here again I shall leave the facts to be appreciated by this honourable House. At the beginning of this year, 1894, a sister, who used to be a teacher in Battleford, applied for a certificate. It is recognized that she possessed the qualifications in this way:

It is hereby certified that the Rev. Sister Lucie (Herminie Vilandré) has passed the non-professional examination, held in Nicolet, June, 1893, for second standing (Model School Diploma, P.Q.)

(Sgd.) JAMES BROWN,
Sec. C.P. Instruction.
REGINA, 12th April, 1894.

No.—The holder of this may (on satisfactory proof of age and character) be admitted to a Normal School to be trained for a professional certificate.

Now, strange as it appears, it is recognized she has the proper qualifications for a second class non-professional certificate. Still she is given permission only to teach with a third class permit.

Rev. Sister Lucie is hereby given permission to teach in the Territories with a third class standing until the opening of the Normal school session for second class teachers for September 1894.

Now, here is the letter communicating the same:

MADAM,—Inclosed please find non-professional second class certificate in your favour on the strength of your standing in the province of Quebec. Permission is given you to teach with a third class certificate until the opening of the Normal session for second September next. The application of certificate in your favour was made by Mr. A. E. Forget, Assistant Indian Commissioner. Yours truly,

(Signed) JAMES BROWN,
Secretary C. P. I.

Rev. Sister Lucie,
Battleford, Sask.

This shows plainly, notwithstanding the statement that our religious orders were not subject to the regulations of the Normal school, that they are. Had this information been before the House, I am sure that the statement would not have been made. It has been stated also that we could not quote any book to which we objected. I have here a book which is on the list of text-books for Normal school teachers, and I could refer to one sentence in which the Jansenists are spoken of as the only people who understood education and tried to improve it, but neither their piety nor their zeal could save them. It says:

What a contrast between the direct attack on the mind and intelligence of the pupil made in these schools, and the ingenious waste of time practised by the Jesuits. The Jansenists were the best hope that French education ever had, and their success was too much for the jealousy of their rivals. Neither piety, nor wit, nor virtue could save them.

Here is another sentence:

The human mind revolted from the fetters in which the clergy had attempted to confine it.

There are many other sentences in this book of a similar character. This is not the proper time to discuss whether these opinions are right or not, but we contend that they are false, ridiculous, offensive, and in matters of religious feeling we have the right that our feelings should be respected everywhere. Here they are not, and consequently this book is an objectionable one to us. That is a book which is put on the list of text-books for Normal schools in the North-west Territories. I do not intend to make a speech. I simply want to call the attention of the Government to our position and to give the House certain facts in regard to the treatment we are receiving in Manitoba and it the North-west. I have to thank the House for the kind hearing that has been given me, and I hope that these new facts will lead this House and the public at large to think over this serious matter and ultimately to see that the Catholics of Manitoba and of the North-west should receive full justice.

Hon. Mr. ANGERS—As the Government on a previous occasion congratulated the hon. gentleman from St. Boniface for the moderation he showed in dealing with the school question, it is my duty to repeat that compliment and congratulation to him to-day. At the beginning of his remarks he very properly referred to the fact that there was an appeal now pending in England upon this subject. He may also rely that the

Government will give its earnest attention to the petitions that have been sent to the Privy Council relating to this question. He also referred to the Manitoba statute of 1894 by which, it is alleged, the minority in Manitoba have been deprived of the machinery necessary to collect taxes for the support of their schools, and also, as they allege, confiscating their school-houses if not used for the purpose of public schools within a given time. I may, upon this very point, also assure the hon. gentleman that it will be the duty of the Government to look closely into this matter and to report upon the effect and wisdom and validity of the legislation of which he complains.

## A QUESTION OF PRIVILEGE.

Hon. Mr. BOWELL—Before proceeding with the business of the House I desire to call attention to the report of yesterday's proceedings in one of the newspapers of the city. I refer to the Ottawa *Citizen*. I have been now about twenty-seven years in parliament and it is the first time I have ever conceived it necessary to call attention to any remarks which may have been made, or any reports which may have appeared, in the newspapers in reference to anything that I may have said or done as a member of parliament, but the character of this report is such that I take the earliest opportunity of setting the matter right. It seems to me that newspapers which do not send reporters to the Senate to take notes of the proceedings should be careful how they pick up from the lobbies the remarks or statements which may have been made in this House. I have no doubt that hon. gentlemen who have not read the report will be a little amused and surprised when I read to them a few lines from it. Speaking of the amendment which my hon. friend to my right had proposed in the Insurance Bill, and the fact that he subsequently withdrew it, this is reported to have occurred :—

> That amendment, said Sir Frank, had been agreed upon between him and Mr. Angers as a compromise, and he fully expected it would have been moved.
>
> Hon. Mr. Angers, replying to several senators, persisted in pressing the motion.
>
> Thereupon Hon. Mr. Bowell remarked that if the Minister of Agriculture conceived it to be his duty to press this clause and the government were defeated then he would have to take the consequences.
>
> "Fortunately, hon. gentlemen," was Mr. Angers's rejoinder, "I have but one leader."

In order that it may be fully understood what did take place I asked the official reporter of the Senate to give me his notes and I find that Mr. Angers's remarks were as follows :

> I wish to explain to the House that what I have done in relation to withdrawing the amendment, I

The amendment of Senator McInnes was then carried "on division" and thus the incident ended. have been authorized by the leader of the Government to do and I have done nothing that anybody in this House or outside of it has a right to question. What I have done is within my right, and my authority and instructions.

There is nothing in that to imply that the hon. gentleman had any reference to myself when he used the word "leader." I find that my closing remarks were as follows :

> The bill interferes in no way with investments already made, but it prevents in the future their taking similar risks to those which they have been taking. That is really the whole provision of the bill, and it is quite evident to me, from the remarks that have been made by the hon. gentlemen who have spoken, and particularly the difference of opinion between two of my colleagues, that it is a grave question whether it would not be better to accept the suggestion of the House as expressed by those who have spoken. However, my hon. friend has it in his charge. I have no desire to interfere with him in the discharge of what he conceives to be his duty, and further, I like pertinacity when you have anything to do. My hon. friend from Ottawa laughs, I suppose he thinks that is characteristic of the gentleman who is speaking at this moment. I confess I do not like to be frustrated when I take a thing in hand, and my hon. friend who is a mixture of Celt and Anglo-Saxon, probably had the same feelings, submits the clause, and if he is defeated the government will take the consequences.

Now those who read this official record, in which I have made no changes or amendendments whatever, will see that the report of the newspaper is altogether wrong. If there was any feeling existing between my hon. friend and myself there is not the slightest danger I can assure this country, of there being any duel between us.

## EXTRA SITTINGS OF THE HOUSE.

### MOTION.

Hon. Mr. BOWELL moved :

That when this Senate adjourns to-day, at the second sitting thereof, it do stand adjourned until to-morrow at eleven o'clock in the morning, such sitting to continue until one o'clock in the afternoon, unless the Senate be sooner adjourned, when the Senate shall stand adjourned until three o'clock in the afternoon, such sitting to continue until six o'clock in the afternoon, unless the Senate be sooner adjourned, when the Senate shall stand adjourned until eight o'clock in the evening; and that each of such sittings be considered a distinct sitting.

The motion was agreed to.

## NORTH-WEST TERRITORIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (140) "An Act further to amend the Acts respecting the North-west Territories."

(In the Committee.)

On clause 2,

Hon. Mr. POWER—How many judges are there in the North-west Territories?

Hon. Mr. ANGERS—There are four. This is to provide for a kind of court of review, or appeal, composed of three judges, but the judge who rendered judgment in the first instance is not to sit in review on his own judgment. The law is similar to that which we have in the province of Quebec in our court of review.

Hon. Mr. POWER—It is a matter on which there are differences of opinion amongst lawyers and judges, as to whether or not it is desirable that the judge who has given the decision in the court of first instance shall sit at the hearing of the appeal. What I wish to direct the attention of the Government to is the inconvenience that may possibly arise under the operation of this enactment if it becomes law. There are four judges of the Superior Court in the North-west Territories. The Court of Appeal is to be composed of three. We provide by this enactment that the judge who has given the decision appealed from, shall not sit in the Court of Appeal; that reduces the possible court of appeal to just three judges. Now, if one of those judges happens to be ill, or absent from the Territories on leave, the appeal cannot be heard. This amendment ought to be qualified, so as to provide that the judge shall not sit, unless his presence is necessary to constitute a quorum. Every professional man in Nova Scotia knows that where there are seven judges, and the court may be composed of only four, there is sometimes a difficulty in getting a quorum to hear an appeal under the same rule excluding the judge who has heard the case in the first instance. As a matter of prudence, the minister ought to add to that "except in cases where the presence of such judge is necessary for the purpose of constituting a quorum."

Hon. Mr. ANGERS—As to the propriety of a judge sitting in review on his own judgment, we have had the experience of it in the province of Quebec for many years, and it was found inadvisable that it should be permitted, and consequently the law has been for years past, in that respect, as this clause provides. There may be something in the second objection of the hon. member, that the judge might be sick and the court could not sit for want of a quorum. I may state that this clause has been fully weighed, and it has been offered by the judges themselves as it stands. This clause and the next preceding one have been both recommended by the judges. They being in the territory themselves have seen no disadvantage in proposing it as it is. However, I would have no very great objection to adding the words mentioned by the hon. member, although it is strange that the jurisdiction of a judge should be optional. It is perhaps better to let the clause stand as it is; the judges themselves, who must have weighed this objection, have offered it as it is.

Hon. Mr. POWER—I think it is unnecessary to call the attention of the House to the fact that although judges, as a rule, are very wise and judicious men, still it must be remembered that the position of a legislator is different from that of a judge—that these judges were looking at what they considered an abuse. They thought on the whole that it would be better that the judge who had given the decision in the first instance should not sit in the Court of Appeal, and they did not advert to the possibility of the ends of justice being defeated if one of the number happened to be ill or unavoidably absent.

Hon. Mr. ANGERS—That would not escape their attention.

Hon. Mr. POWER—I am not responsible for the conduct of business in the North-west Territories, but I think it would be decidedly wiser to prevent a delay of justice, perhaps in an important case. While I think the tendency of opinion just now is against having the trial judge sitting in the Court of Appeal, still there is no uniform rule on it. In some English speaking countries, and in some of our own provinces, the judge sits on appeal from his own judgment. There is this advantage about it, that he can give information about the demeanour of the witnesses and other circumstances which they

could not get otherwise. I do not think there is any serious objection to it, and it would be a very much more serious misfortune that an appeal shall fail altogether for want of a quorum.

Hon. Mr. KAULBACH—In the province of Nova Scotia, as my hon. friend says, although the court is composed of seven judges, contingencies have arisen in more than one case in which it was impossible to get a quorum of four judges. In Nova Scotia a judge never sits on a case that was tried before him in the first instance. I have known of two instances in which appeals have been delayed in consequence of the difficulty of getting a quorum. It is a question to my mind whether a judge could sit in review on his own judgment.

Hon. Mr. ANGERS—I have no objection to adding those words—"Unless his presence is necessary to constitute a quorum."

The amendment was adopted and the clause as amended was agreed to.

On clause 16,

Hon. Mr. POWER—This clause makes a change the propriety of which I doubt. Section 3, of the Act of 1891, fixes the term of the Assembly at three years, unless sooner dissolved. This section extends the term of the Legislative Assembly from three to four years, but it seems to me that this section should not go into operation until after the termination of the present Legislative Assembly, because the electors of the North-west Territories elected the present Legislative Assembly for three years, and the electors have the right to have these gentlemen return their mandates at the expiration of the three years.

Hon. Mr. ANGERS—Their parliament expires, I believe, this fall, and it is not the intention to give the present occupant a longer lease. I have no objection, however, in order to make it clearer, to add these words: "This shall not affect the duration of the present Legislative Assembly."

The clause as amended was adopted.

On clause 17,

Hon. Mr. POWER—With respect to the first subsection, I wish to ask whether the Governor sits with his council, or apart from them?

Hon. Mr. ANGERS—He sits with them. I have to offer an amendment to this section, which will be a third subsection, as follows:

That the Legislative Assembly may by ordinance make such provision as may be deemed necessary for the filling of any vacancy or vacancies that may at any time occur in the Executive Committee during the recess and between the sessions of the Assembly, whether such vacancy or vacancies are occasioned by death, resignation, or otherwise; provided that any action taken under the provisions of such ordinance shall be subject to confirmation by the Assembly at its first session held next after such action has been taken.

This is to provide for the filling of a vacancy in the council in case of one of them resigning or dying during the recess. One to replace him may be chosen, which choice is to be ratified by the House as soon as it meets. At present there is no provision for such an occurrence.

Hon. Mr. POWER—I am not objecting to this, but one cannot help realizing that what they have in the North-west Territories is not a copy of the British form of government and of our own form of government here. The Executive Committee, according to the British practice, are appointed by the Executive, by the Governor or whoever represents the Queen, but in the North-west Territories they are appointed by the Legislative Assembly.

Hon. Mr. ANGERS—Yes, they are advisers given to the Lieutenant-Governor by the House. They have no responsible government. I would rather class them as a crown colony.

The clause as amended was adopted.

Hon. Mr. CLEMOW, from the committee, reported the bill with amendments.

The bill was then read the third time and passed, under a suspension of the rule.

## DOMINION NOTES AMENDMENT BILL.

The House resolved itself into a Committee of the Whole on Bill (165) "An Act to amend the Act respecting Dominion Notes."

(In the Committee.)

Hon. Mr. SCOTT—I presume what this means is that the Government can borrow

five millions more without putting up any more security than they have.

Hon. Mr. BOWELL—They get a loan by issuing notes and borrowing, but there is sufficient gold already as security for the issue.

Hon. Mr. KAULBACH—I hope the issue will be made in small notes. There is a deficiency of small notes, which is a great inconvenience to the public. Perhaps it would be well to double the issue. The security, of course, is as good as gold, and is redeemable with gold, and why should not the country have the convenience and the profit as well? I consider that we could circulate a great deal more money than we do, and the country wants it. The Government has a right to some of the profits of currency. The sound policy and credit of a Government supply the place of gold so far as the public confidence is concerned. It is a legitimate Government operation, and a source of convenience and profit to our whole people. When a bank wishes to increase its own issue of notes, it has to deposit 40 per cent of the proposed issue with the Government, in gold, for which it gets the like quantity of Dominion notes, which it is obliged to hold in its vaults as a guarantee against its own note circulation. Dominion notes redeemable in gold are more convenient for circulation than gold.

Hon. Mr. SCOTT—This may not be an inopportune moment to call the attention of the Government to the fact that when we passed the Bank Act it was understood that when notes became old and filthy they should be returned and new ones issued. I am quite sure the Government are prepared to do that. In drawing money out of a bank you are often given a quantity of notes that have a frightful stench about them and carry and propagate disease, and yet the banks will not conform to the law that when notes become old they must be exchanged. The cost of the exchange would be trifling, and it would be a convenience to all. I cannot understand how it is that tellers in banks are not more frequently attacked by disease. Our currency is much more satisfactory where it is clean and there is no reason why we should have a dirty, filthy circulation as we have.

Hon. Mr. BOWELL—The suggestion of the hon. gentleman from Ottawa is one which should be enforced. I shall call the attention of the Finance Department and the Minister of Justice to it. The suggestion of my hon. friend from Lunenburg, of course, requires a great deal of consideration and discussion. Personally, I confess I am strongly of his opinion, but the banks are very powerful and they object to any interference with currency out of which they make a good deal of profit, but I will not enter into any discussion of that kind. We have had experience of it in the United States and in other countries and after all, when we look at the stability of the banking and monetary institutions of Canada, and when we see the sad failures and disasters occurring all over the world, it makes us feel proud that we have a banking system so perfect in its character, that notwithstanding all the crashes throughout the world we have not had the loss of a bank, except a small one in Winnipeg, and that was through reckless management and not through losses.

Hon. Mr. CLEMOW, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## CANADIAN MANUFACTURES ALLOWANCE DRAWBACK BILL.

### FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (166) "An Act to amend the Act to provide for the allowance of the drawback on certain articles manufactured in Canada, for use in the construction of the Canadian Pacific Railway."

The bill was read the first time.

Hon. Mr. BOWELL moved that the rule be suspended and the bill be read the second time at length at the Table.

The motion was agreed to.

Hon. Mr. BOWELL moved the third reading of the bill.

Hon. Mr. POWER—I wish to make one observation with respect to this bill, the purpose of which is to carry into effect the provision in the original charter of the

Canadian Pacific Railway Company, and, I think, the bill simply gives that particular provision of the charter to which it refers a fair and liberal construction. That naturally suggests to one how much Canada has done for the Canadian Pacific Railway Company, and suggests that the company ought to be willing to go as far as they can in the way of helping Canada. Now, hon. gentlemen know how the people in certain portions of the North-west suffer from the high rates which they have to pay for transportation. I am not saying that these rates are higher than are charged on other roads, but they are high enough to injure materially the settlers of the North-west, for whom we have built this road and for whom we have spent a great deal of money. There is another thing which we might consider when we look at the condition of things; for instance, in California, a state which has got to be almost completely, as far as its transportation is concerned, in the hands of the Southern Pacific Railway, a great corporation like our Canadian Pacific Railway, we find that all the people in the rural sections of that state are hostile to that railway company, and that they have broken out into almost what is civil war in consequence of the exactions of the company. It would be wisdom on the part of the Canadian Pacific Railway Company here to make some concession to the people in the North-west to prevent things coming to such a crisis as they have come to in California. The Government have something to say with respect to the rates charged on the Canadian Pacific Railway, and when this matter is under consideration it would be well to look forward to the possibility of the people in the North-west breaking out as the people of California have broken out against the Southern Pacific. I am not finding fault with any one, but I am indicating that it would be the part of wisdom to avoid, perhaps, very serious difficulties in the future if the Government and the Canadian Pacific Railway Company can, between them, secure some reasonable reduction in the transportation rates in the North-west.

Hon. Mr. KAULBACH—It seems that the greatest trouble in the North-west is the low price of the products of that country. If those products were bringing anything like what you would suppose is their normal value, there would be no dissatisfaction nor, from what I can hear, would the rates be thought excessive. In fact, I understand that the main line of the Canada Pacific railway does not pay expenses. It must be in the interest of the company to do all in their power to promote the settlement of that country and the prosperity of those who go into it, and I do not think the Canadian Pacific Railway Company has taken any other view, or pursued any other course than that which would be in their interest and in the interest of the settlement of the country. Though we have done a great deal for the Canadian Pacific Railway, the Canadian Pacific Railway has done a great deal for Canada; in fact the existence of Canada as a confederation to-day is due largely to our putting through the railway at the time we did. But for that I am afraid there would have been far more dissatisfaction in Canada than there is in California. It is the pride of Canada and the wonder of the world that we have such a railway, and one built in such a manner and in such a short time. The Government gave liberal aid and encouragement to the company, and the company possessed indomitable pluck and perseverance to go on with the road at the time that they did, and we must be all thankful to them for what they have done. The allowance for a drawback for the duties charged on all articles used in the original construction of the road was only right. Having accepted all subsidies and land grants is proof of the completion of the original construction, but wooden works were considered merely temporary for public convenience and should not be considered original or permanent construction.

The motion was agreed to, and the bill was read the third time and passed.

## SUBSIDIES OF LAND IN AID OF RAILWAY COMPANIES BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (158) "An Act to authorize the granting of subsidies in land to certain Railway Companies."

The bill was read the first time.

Hon. Mr. BOWELL moved the suspension of the rule and the second reading of the bill.

The motion was agreed to and the bill was read the second time.

The House resolved itself into a Committee of the Whole on the bill.

(In the Committee.)

Hon. Mr. POWER—Perhaps the Minister can tell us whether these are re-votes or new?

Hon. Mr. BOWELL—They are most of them new, but some were promised aid before. This Rocky Mountain Railway subsidy is new. It is to aid the construction of a road from north of Calgary to the Rocky Mountains to where large deposits of anthracite and other coal have been discovered. It is believed to be in the interests, not only of the company itself, but of that section of the country. Considering the charges made for coal in different parts of the North-west, it is in the interest of every portion of the North-west that fuel, in so cold a country, should be made as cheap as possible, and by the construction of this road it will open up and develop a large coal field, and by that means furnish to the settlers of the country, as well as the residents in the towns of Calgary and Edmonton, and other places, cheaper coal. With regard to the proposed subsidy of land for the Pipestone branch of the Canadian Pacific Railway, I may say that on the 14th July, 1892, the secretary of the Canadian Pacific Railway Company made an application for a land subsidy, at the usual rate of 6,400 acres per mile, for a line of about 32 miles forming the westerly extension of the Souris branch of that company's line. It was represented, and it is the fact, that the construction of this extension had the effect of affording railway and market facilities to an important section of country at that time without them, that is to say, the section of country laying between the Souris valley and the Pipestone valley, in which there was a large and flourishing settlement. It was a matter of very great consequence that the construction should have been proceeded with during that season, in order to enable the farmers to get out their crops, and the company accordingly, without waiting for the action of Parliament upon the application, proceeded with construction and completed it during that season. The Government did not ask the approval of Parliament, at its last session, of any subsidies in land to railways, and as business was very much hurried up at the close of the session, it was not thought expedient for a short line of thirty miles to then ask for the requisite parliamentary authority. This explanation is made in view of the objection that has been taken in the past to the authorization of subsidies for lines of railway already constructed. There can be no doubt that the Pipestone branch was undertaken and finished on the strength of an understanding between the Minister of the Interior at that time—Mr. Dewdney—and the Canadian Pacific Railway Company that the subsidy now asked for would be granted. From my own personal knowledge, having travelled through that portion of the country two or three years ago, I know that it is very important that the road should be constructed from the Souris valley to the Pipestone valley. Some portions of the land are very good for settlement. The coal fields, also, are on the banks of the Souris River, which were not then developed, but which may be in the future, although not to a very great extent at present. The coal in that section of the country, so far as ascertained, is not supposed to be as good as that further west, particularly that to which I have just referred. Still, it burns, and while it is of a shaly character, it answers very well for domestic use, and in order to furnish cheap fuel in that country, it is important that this road should be constructed.

Hon. Mr. KAULBACH—Is this district which my hon. friend is talking about south of the main line of the Canadian Pacific Railway?

Hon. Mr. BOWELL—Yes. It is a long way from the main line of the Canadian Pacific Railway, one hundred miles nearer the United States border, and then it runs in a south-westerly direction until it strikes the Pipestone valley.

Hon. Mr. POWER—I think that this policy of giving away lands to the railway companies is a questionable one, but it has been adopted and there is no use protesting against it now. The policy would not be so objectionable if the companies did the work of peopling the North-west in the same way in which the United States railway companies, who got subsidies from the United States Government, have brought settlers into that

country. But the work of peopling our North-west has been slow to such a degree as to cause very great disappointment. While I am not disposed to contradict what was said by the hon. member from Lunenburg with respect to the enterprise of the Canadian Pacific Railway Company, I must say that I have been disappointed at their comparative failure in peopling the lands which have been granted to them. They have, as a rule, held on to their lands, and let the people who have come in increase the value of them while they derived the benefit. So far as I can learn, the company has not brought in many people to settle on the land. These subsidies, valuing these lands at a moderate figure, amount to about $10,000 a mile. The grant made to the Rocky Mountain Railway and Coal Company would be about $600,000, and I cannot understand why the Government and Parliament should be so very ready to make large grants out in a sparsely-settled country, and so unwilling to make comparatively small grants in some of the older provinces where there is a large population which has never had railway facilities.

Hon. Mr. KAULBACH—My hon. friend referred to the settlement of the north-western states by railways to the south of us and compared it with the tardiness shown by our own Canadian Pacific Railway Company. My hon. friend forgets that a great many of those who settled to the south of us are coming across the line by thousands with their families and are settling in our own country and prospering.

Hon. Mr. SCOTT—I think the hon. member from Halifax scarcely speaks with a full knowledge of the facts or he would not say that the Canadian Pacific Railway Company are not making efforts to settle the North-west. They are spending more than the Canadian Government to accomplish that object. The hon. gentleman must see in the newspapers that they have agents all over Europe, and are exhibiting car-loads of products everywhere in the old country and that lectures are delivered from the cars to the people—they are making every effort in that way to bring settlers to this country. They are as much interested as the Government of this country in the settlement of the North-west because they have the lands there, which are utterly useless to them until they are peopled. The railway must have people there to furnish traffic. Until they people the North-west the road cannot get paying traffic in that country. They are straining every nerve, to my certain knowledge, to people that country and doing all they can, certainly not sparing any money to accomplish that object.

Hon. Mr. CLEMOW, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

The Senate adjourned at 4.45 p.m.

## SECOND SITTING.

THE SPEAKER took the Chair at Eight o'clock.

Routine proceedings.

## UNITS OF ELECTRICAL MEASURE BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (117) "An Act respecting the Units of Electrical Measure."

(In the Committee.)

Hon. Mr. ANGERS—This is a sequel to the bill passed by the House the other day relating to the regulation and inspection of electric meters. The principle adopted in it has been copied from legislation in England, Germany, France and the United States, and at the last congress of electricians in Washington, the principle of what is known of electricity now has been sanctioned and approved of by scientists. If I were to read the brief which I have in my hand I would be making a display of knowledge which is not my own, and as everybody in the House knows as much and probably more than I do about it I will not inflict it upon the House.

Hon. Mr. CLEMOW—I suppose there is a necessity for this bill now, in consequence of our having passed the bill for inspection. This is a necessary adjunct to it. I do not think it will be of practical benefit, but having passed the other bill I suppose we must pass this. These units have been

agreed upon by a body of experts in Chicago, and the principles laid down in the bill are what are considered necessary. Electricity is in its infancy, and there is no knowing what may take place in a short time, but I think the bill is premature now. The only possible advantage in this bill is that if any one should rob the power from your lines you will be able to arrive at what the value may be according to this expert determination. That is all the benefit there will be; but then there will be a great difficulty in establishing what the current may be at the source of supply. There are a great many technical objections to it, but I suppose it must pass, and hereafter I have no doubt we shall find it necessary to change it, because these things are undergoing changes every day, and what is suitable to-day may not be suitable a year hence. It is just as well to make the experiment at the present time.

Hon. Mr. MACINNES (Burlington)—This is simply adopting certain names in the nature of a code between individuals, each term meaning some certain thing. At the conference in Chicago these terms were adopted and they have since been legalized by the United States and England.

Hon. Mr. KAULBACH—I do not know anything about it, and I have to take the Bill on faith.

Hon. Mr. DESJARDINS, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

The Senate adjourned at 8.40 p.m.

---

## THE SENATE.

*Ottawa, Saturday, July 21st, 1894.*

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

## BOYNTON BICYCLE ELECTRIC COMPANY'S BILL.

A Message was received from the House of Commons returning Bill (85) "An Act to incorporate the Boynton Bicycle Electric Company" and stating that they disagree to the amendment of the Senate.

Hon. Mr. READ moved that the Senate do not insist upon its amendment.

The motion was agreed to.

## DOMINION ELECTIONS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (128) "An Act further to amend the Dominion Elections Act"

The bill was read the first time.

Hon. Mr. ANGERS moved the second reading under a suspension of the rules. He said: The object of the bill is to provide a ballot paper, the form of which is included in the bill, for the purpose of safer registration of votes by electors.

The motion was agreed to and the bill was read the second and third times, and passed.

## THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (171) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively 30th June, 1894, and the 30th June, 1895, and for other purposes relating to the public service."

The bill passed through all its stages under a suspension of the rule.

## SUBSIDIES IN AID OF RAILWAYS BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (169) "An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned."

The bill was read the first time.

Hon. Mr. BOWELL moved that the rule be suspended and that the bill be read the second time.

Hon. Mr. POWER—I do not propose to discuss the general policy of this measure. That has been discussed in another place, where they have the right to dispose of financial questions, but I just wish to call attention to one or two items. It will be remembered that some days ago I made an inquiry with respect to a railway, the construction of which I thought ought to be helped—a railway in the province of Nova Scotia, in the county of Halifax, generally known as the Musquodoboit Valley Railway. Subsequently, I expressed my disappointment that in the resolutions with respect to the railway subsidies introduced in the House of Commons there was no provision for giving aid to this particular line of railway. Since that time I see that some change has been made in the wording of one of the paragraphs with respect to a subsidy which would, perhaps, let this railway come in for assistance. The paragraph now reads as follows :

For ninety miles of the railway from Newport or Windsor to Truro, or to a point between Truro and Stewiacke, and from a point on the said railway to a point at or near Eastville, and from Eastville through the valley of the Musquodoboit River towards a point on the proposed Dartmouth branch of the Intercolonial, in lieu of the subsidy granted by chapter 5 of 1892, a subsidy not exceeding $3,200 per mile ; and also for a railway bridge over the Shubenacadie River on the line of the said railway, a subsidy of 15 per cent on the value of the structure; the whole not exceeding $300,000.

The words "and from Eastville through the valley of the Musquodoboit River towards a point on the proposed Dartmouth branch of the Intercolonial" have been inserted : whether the fact that these words are inserted there is likely to do much in promoting the construction of the road or not, I cannot say. The road from Newport or Windsor to the Intercolonial Railway, and from that to Eastville, would be more than ninety miles, unless I am mistaken, and that would not leave anything for the Musquodoboit Valley road ; but it is possible that arrangements may be made, if the Government are favourable to the construction of this road, that might allow a portion of the subsidy to go for the construction of the road from Eastville through the valley of the Musquodoboit River, even though some other portion of the road were not constructed. I hope the Government may take that view of it. If responsible parties come forward who are prepared to construct that road, I hope the Government in their discretion, which I think they can exercise under this provision, will give a subsidy to the company undertaking to construct the Musquodoboit Valley Railway. I see one of the paragraphs proposes to subsidize a railway "from Port Hawkesbury towards Cheticamp, twenty-five miles, a subsidy not exceeding $3,200 a mile, nor exceeding in the whole $80,000." I am pleased to see that little subsidy there as subsidies are being given ; but I think it is very much to be regretted that the Government had not taken this action several years ago, when a company was subsidized. That company apparently satisfied the Local Government that they had the ability to construct the road from Port Hawkesbury towards Cheticamp, and were to get a subsidy from the Local Government, and the municipal council of Inverness granted them a bonus and they could have constructed some forty miles or so of road if they had got a subsidy of $3,200 a mile from this Parliament. The company showed their *bona fides* by going to work and grading some fifteen or twenty miles of the road. For some reason or other the Dominion Government, instead of granting for this road the usual subsidy of $3,200, granted only $1,000 a mile and granted that with an understanding that it was intended to recoup the county of Inverness for the bonus which it proposed to grant. It was $50,000 which the county granted and the line was to be fifty miles long. The result of that was that the company which had undertaken to build this road were unable to do so. The subsidy from the Local Government and this $1,000 a mile subsidy from the Dominion Parliament were not sufficient to enable the company to go on, and that road has not been constructed. There are several miles of the road graded. I hope that the company is still in existence and in a position to resume the work now that this grant is secured to them. It is very much to be regretted that the Government, influenced by I know not what—at least I have some idea as to what the influence was but I cannot speak positively—the Government impelled by some malign influence refused to grant the usual subsidy

for this railway at the time when the road might have been constructed. The people of the county might have been enjoying the benefits of their railway from Port Hawkesbury to Port Hood, a distance of fifty miles, in the last two or three years if the usual subsidy had been given instead of this absurd subsidy of $1,000 a mile which was granted. There is another item which calls for attention. I am not opposing any of these items, but they naturally attract attention. It is not very long since the Government constructed as a public work a railway from the Strait of Canso to Sydney, in the Island of Cape Breton. This railway was constructed at a very large cost—not less than $2,000,000— and here the Government in this bill grant subsidies for roads on both sides of this line—roads which to a certain extent enter into competition with the Government roads. I am not finding fault with the subsidies, because to my mind the Government's road was located in the wrong place. It was urged upon the Government, before they finally decided upon the location of the Cape Breton railway, that a better way would be to carry the line below the Bras d'Or Lake to Louisburg and to build another line running north of the lake to suit the wants of the people of Inverness and Victoria. The Government did not adopt that plan. They built the road by the central route, the most expensive route, and where it would do the least benefit on the way between the terminal points, and now they are helping to construct the roads which their friends told them before they should have built. This Cape Breton extension railway company is simply a company who are building a line which would be identical almost with the southern route, which was advocated for the Government railway, and if the Government had built their main line by this southern route, it would have cost not nearly as much as the central line has cost, and Parliament would not be called upon to give a subsidy to this southern route. I think that is very much to be regretted. I am not undertaking to find very much fault with the Government for the way the line was located, except that it strikes me that if they had exercised proper discretion before selecting the central route, they would not have made the very costly mistake which they did make.

Hon. Mr. KAULBACH—I do not agree with my hon. friend with regard to the Cape Breton road. I have been through the island and I know where the line is located, through the centre of the island, and it was not done without mature consideration. It has now proved to be satisfactory to the whole island.

Hon. Mr. POWER—Not at all.

Hon. Mr. KAULBACH—I have been through the island, and I doubt if my hon. friend was ever on the island.

Hon. Mr. POWER—Oh, yes, I have been.

Hon. Mr. KAULBACH—I was there last year, and I found from the people that it was perfectly satisfactory. Being a main line, the branch lines are needed to complete it. About the Musquodoboit Railway, I hope my hon. friend will not go back on me on that subject. He and I were pulling together to have that line run through the county of Lunenburg, where it should go, but my hon. friend wants to have it deflected to another route altogether.

Hon. Mr. POWER—Not at all.

Hon. Mr. KAULBACH—Yes, it would leave Lunenburg hopelessly in the cold. I hope my hon. friend will stick to his first love and let us work together and get a railway by the Musquodoboit valley through the county of Lunenburg.

Hon. Mr. POWER—The hon. gentleman is in error. If the road provided for by this bill is constructed it says that it shall go to a point on the Dartmouth branch. As the hon. gentleman knows, it is proposed to build the Dartmouth Branch Railway from Windsor Junction to the town of Darmouth. The Musquodoboit Valley Railway might unite with it at Windsor Junction, and that is what probably would be done.

Hon. Mr. KAULBACH—If that were done it would not be carried into Lunenburg.

Hon. Mr. CLEMOW—I do not intend to object to any of these railway subsidies. I think the country is interested in having as many railways as possible. I do not think the hon. member from Halifax has any reason to complain, because I find that a great

many of these subsidies are given to roads in the province of Nova Scotia. What I have to complain of is that the Government did not think it advisable to give assistance towards the construction of a very important work in this section of the country—that is the interprovincial bridge connecting this city with Hull. We all know this work will be of great advantage to the whole country, as it will become part of the highway to Hudson Bay, from which point we yet expect to obtain our supply of anthracite coal, and I am disappointed that the Government did not consider it advisable to grant a subsidy, particularly in view of the fact that the city of Ottawa has granted a bonus of $150,000 in aid of the bridge, and seeing that Ottawa has never received one dollar towards the construction of any of its railways. We have certainly more reason to complain than the hon. member from Halifax has. As far as we are concerned in this section of the country, we would have been very well pleased had the Government found it advisable to appropriate the sum of $250,000 towards the construction of this bridge. I am afraid now that the bridge will not be constructed, as it is utterly impossible for the parties who have taken it in hand to construct it with the bonus of $150,000 granted by the city of Ottawa. Had the Government given $250,000 in aid of the bridge, I thinks the Governments of Ontario and Quebec would have followed suit and that would have ensured the construction of the bridge. The failure of the Government to assist the enterprise will retard the construction of the bridge for many years, and I am sorry for this section of the country because, as I have said, we have received no subsidies while we have contributed our share towards the construction of other works all over Canada.

The motion was agreed to and the bill was read the second and third times and passed.

## IRON AND STEEL BOUNTY BILL.

### FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (170) "An Act to provide for the payment of bounties on iron and steel manufactured from Canadian ore."

The bill was read the first time.

Hon. Mr. BOWELL moved the suspension of the rule and that the bill be read the second time now.

Hon. Mr. POWER—Perhaps the hon. gentleman will give us some reason why this bill is introduced. The Government do not bring in any measure to pay the farmers for the potatoes they dig, and I do not see why this bounty should be given.

Hon. Mr. SCOTT—Had this bill been brought down at an earlier period of the session it might have been profitable to enter into a discussion upon it, but I do not think hon. gentlemen will care to discuss the subject now. We have been giving those bounties for a number of years to the iron industries of this country and I do not think they have really developed to the extent that was contemplated eight or ten years ago when we commenced to give those bounties. As has been very forcibly expressed by my hon. friend from Halifax, we do not give bounties to the farmers, the wealth producers of this country. There is no other industry which has received this assistance. It was at one time proposed to give a bounty to the beet-root sugar industry. I do not know whether that has been continued or not. I do not know that we have lost very much by the experiment, because it has not been found to be a profitable industry.

Hon. Mr. BOWELL—I have no objections to the remarks made by the hon. gentlemen, but I must demur to the statements made by them that nothing is done by the Dominion Government to aid the farmers.

Hon. Mr. POWER—I did not say that.

Hon. Mr. BOWELL—If you look at the Supply Bill which we have just passed, you will see that there is no class in the community upon whom more money is expended and in whom greater interest is taken by the Government than the agriculturists and yeomanry of the country. Experimental farms have been established for their special benefit, dairies have been established in different parts of the country, and we have taken their product to the markets in England and given them a guarantee of a return for it. These facts furnish ample proof of the desire of the Government to

look after the interest of those who, as my hon. friend says, are the wealth-producing class of the country. There is no branch of industry in the whole Dominion that has been looked after with greater interest or more keenness or assiduity on the part of the public men who rule the country at this time, than the farmers. This constant statement which is made that the interests of the agriculturists of Canada are not looked after, is not borne out by the facts. I will not enter into the minutiæ of this question at the present moment, but I ask any un biassed man in the country to look at the Supply Bill, and then cast his eye from one end of the Dominion to the other and say if I am not justified in the claim that I make on behalf of the Government. In reference to the general question of bonusing the iron industry, I shall not discuss it now. It has been the policy of the country for many years to grant bonuses in aid of the production of pig iron, which is the foundation of our iron industry. I freely admit with the hon. gentleman from Ottawa, it has not been as successful as every Canadian would have liked it to be, and I regret to say that even in the passing of this bill, by which we guarantee, as far as a guarantee can be given, to continue this bonus for ten years, its object will be frustrated to a certain extent by the announcement of the leaders of the Opposition that if they get into power they will not consider themselves bound to continue the bonus which Parliament at the present moment grants. What will be the result? It would be unfair for me to say that it is done with the object of preventing investments, but its tendency must be to frustrate the purpose in view in granting this bonus. Capitalists will not invest as we had hoped they would invest, in an enterprise of this kind, when they learn of the declaration of the leaders of one party, that if they obtain power they will not be bound by any division of parliament, to that extent they would destroy any investments that might be made. I have no right to complain of people taking different views from which Government hold on questions of this kind. Our policy has been protection to all our industries and if we can develop this enterprise to a greater extent than in the past by means of bounties, then our object will have been attained. My hon. friend to my left, (Mr. Masson) thinks that we should have gone further—that we should continue the bonus given in the past to encourage the beet-root sugar industry. That offer has been on the statute-book for the last fifteen or twenty years. Unfortunately, whether from mismanagement or from our climate—I give no opinion on the subject—we know that although large investments have been made in the beet-root sugar industry none of them have succeeded. In carrying out this policy of bonuses, I should like to have seen that experiment a success, but it has not been. If there is any probability of it succeeding in the future, I am inclined to think that the Government, carrying out their general policy, would be only too glad to aid it. I thought it my duty to make the few remarks in reference to the matter, more particularly in view of the course of the two hon. gentlemen opposite, when they are pursuing the policy which is followed by politicians generally, but which we in this House should not follow, that is, in raising that continual cry that the poor farmers are not looked after by the Government. The farmers are an intelligent class of people, and they know, as well as any others, where their interests lie, and who has looked after them in the prst.

Hon. Mr. KAULBACH—As far as the Maritime Provinces are concerned, there is no industry in which Nova Scotia is so greatly interested as the iron industry. It is peculiarly a Nova Scotia industry and requires protection. It contributes more than any other to the material prosperity of the country: We have the ore and everything necessary to produce the iron and we should encourage the industry.

The motion was agreed to, and the bill was read the second and third times and passed.

The Senate adjourned at 1.10 p.m.

## SECOND SESSION.

THE SPEAKER took the Chair at Three o'clock.

Routine proceedings.

### DOMINION ELECTIONS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (128) "An Act

further to amend the Dominion Elections Act."

(In the Committee.)

On clause 1,

Hon. Mr. POWER—I notice that the clause adds two or three electoral districts in which the Governor General does not fix the date of the election. It adds the electoral district of Gaspé and Chicoutimi and Saguenay in the province of Quebec, and Nipissing in Ontario. Of course it is better, where practicable, that the elections shall take place upon the same day. We have adopted the plan of simultaneous elections, and I wish to ask the Government why it has been thought desirable now to add Gaspé and Nipissing in particular to the districts where the returning officer fixes the date. I should have supposed that in the electoral district of Gaspé, at any rate, the elections might have been held upon the same date as in other counties.

Hon. Mr. ANGERS—The reason is first of all Nipissing is a new district, where the travelling is very difficult. There is no railway communication and no telegraphic communication, and the extent of the territory is immense. As to Gaspé, it is situated in the same way; that is, the difficulties are very great according to the season. There are no railways, there are telegraphic communications which may be interrupted; moreover, there is a portion of the county that for five months of the year is inaccessible, that is, the Magdalen Islands. It is true the law authorizes the using of telegraphs, but the rupture of a cable or some other accident, which occurs often enough, might be in the way and prevent them having the election on the same day that it is held throughout the Dominion generally. These are the reasons which have induced the Government to include those in the exceptions. Cariboo in British Columbia, I believe, is similarly situated on account of the great difficulty of communication.

Hon. Mr. KAULBACH—Has not Gaspé always been an exception?

Hon. Mr. POWER—No.

The clause was adopted.

On clause 4,

Hon. Mr. POWER—With respect to the new ballot, it possesses possibly some advantages over the present system, as rendering it less likely that a comparatively ignorant voter shall mark his ballot for the wrong candidate, but I think the great advantage in connection with the new form of ballot is the wide black border which separates the spaces in which the names of the candidates are placed, and as I understand the law, the elector may mark his ballot either in the white circular space, or in the division where the name of the candidate is to be found. Now, that being the case, I think it is to be regretted that so much ink has been unnecessarily used. The wide black border all round would have been enough, and then the elector would mark his ballot in the division either just very close to the name or a little further along, and the Government would not need to consume so much ink as they will under the present system, although it would not have made quite as pretty a picture.

The clause was adopted.

Hon. Mr. CLEMOW, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## ELECTORAL FRANCHISE ACT AMENDMENT BILL.

### FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (143) "An Act further to amend the Electoral Franchise Act."

The bill was passed through all its stages under a suspension of the rule.

## DUTIES OF CUSTOMS ACT AMENDMENT BILL.

### FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (135) "An Act to consolidate and amend the Acts respecting the duties of Customs."

Hon. Mr. BOWELL moved the suspension of rule 41 for the purpose of allowing the second reading of this bill.

The motion was agreed to.

Hon. Mr. BOWELL moved the second reading of the bill.

Hon. Mr. POWER—I think the Government will give the Opposition credit for saying that during this session they have not occupied much of the time of the House in discussing measures. At the opening of the House a few observations bearing on the subject of the tariff were made by an hon. member of the Opposition. I do not think there has been anything said since, and it does seem that, after all the time that has been devoted to this in the other House, it would show upon our part a certain want of respect if we did not give the bill at least a reasonable amount of consideration in the Senate. Now, hon. gentlemen, the bill is a very voluminous one, but perhaps its consequence is not to be measured by its length. The tariff question is one that vitally interests the people of Canada. The Government intimated through their leaders at the last session of Parliament, and in some instances, I think, previous to the last session of Parliament, that the system which had been in operation since 1889 needed very considerable amendment, and the Government declared last year their intention of reconstructing the tariff during the present session, and it was understood that very considerable modifications were to be made in it. The Government did not say that they were prepared to depart from the principle of the tariff, but they proposed to make very extensive modifications in the details of the measure, and they set to work in a way which some people have condemned, but which I did not, myself, feel disposed to disapprove of very strongly. They sent out four members of the Government, the two hon. Ministers who are present now, the Minister of Finance, and another Minister or one of the Controllers ; and these gentlemen, like a certain individual mentioned in Scripture, went up and down all over the earth and held meetings at various central and important points in the different provinces throughout the Dominion, and the object of these meetings was that these gentlemen, who were charged with the duty of preparing for the Government an amended tariff, should ascertain what the sentiments of the people affected by the tariff in the various sections of the country were. I cannot speak as to what took place in every place except from what I saw in the newspapers, but I know that as regards Halifax, the hon. commissioners, or roving committee, or whatever you might choose to call them, did their work in a very business like, and as far as one could judge, satisfactory way. These hon. gentlemen communicated to the Board of Trade of Halifax their intention of visiting Halifax and hearing what persons in the various departments of business and in the various manufacturing interests had to say with respect to the tariff, and very careful arrangements were made to provide that everyone who had anything to say upon the tariff—that is, when I say every one I mean persons engaged in the different departments of manufacture—should have an opportunity to present their views to the commissioners, if I may call them so. The business men of Halifax and the manufacturers waited upon these commissioners, they were treated courteously and gave their evidence at as much length as they could reasonably expect, and as far as I could gather, the gentlemen who appeared before the commission were satisfied with the manner in which they had been treated. The commission spent three days in Halifax, taking evidence of that kind and then they closed their meeting there and went to other places. This same thing took place all over the country, even as far west as British Columbia, and these commissioners came back having ascertained, I should suppose, pretty accurately what the feelings of the mercantile and manufacturing portions of the country were with respect to the tariff. They were then, one would suppose, naturally prepared to make such a revision of the existing tariff as would meet the views of the mercantile and manufacturing classes, and also of the consumers at large, because I presume they took care to hear what the masses of consumers, who were neither mercantile men nor manufacturers, thought about the tariff. I am not sure if they did, but I presume they must in some way have informed themselves as to the wishes of the great body of consumers. They met here and devoted some months, I believe, to reconstructing the tariff. Parliament which, with a view to the convenience of the country and the members of Parliament, should meet about the end of January or the beginning of February, was not summoned until the middle of March ; the reason given was that the tariff measure was not quite ready to be submitted to Parliament. However, on the

27th March the tariff measure, which one would suppose was pretty complete by that time, was submitted to Parliament and the Minister of Finance made a very long speech in the other branch setting out in detail the changes which were supposed to be made. Those changes were not of a very sweeping character. Take them as a rule, as far as they went they were in the right direction. There were certain changes which had been expected which did not appear, but taken altogether the changes were made in the right direction. Without going into detail, it may be said that the valuable changes in the tariff were the reduction of the duties upon agricultural implements from 35 per cent to 20 per cent, the abolition of specific duties upon woollen and cotton goods, and a number of minute details dealing with the different items in the tariff, making as a rule slight reductions. One would suppose after all the pains which the Government had taken to inform themselves of the views of the country, after the Government had taken a very considerable time, with the report of the commissioners before them, to form and perfect this measure, that it would have gone through nearly in the shape in which it was introduced into Parliament, and that the passing of the tariff should not have occupied a very long time, and that if the measure took longer to pass than might have been expected, this delay would have arisen altogether from the Opposition who found fault with the changes as not being sufficiently fundamental or radical. The experience has not been that way. The budget speech of the hon. Finance Minister had hardly been delivered when the beneficiaries under the protective principle of the old tariff began to come to Ottawa. They came day after day, in single files and whole battalions. Day after day after the lapse of a little time the result of those visitations became apparent in the action of the Finance Minister. One would suppose that the three or four principal members of the Cabinet, having heard all that was to be said by all classes, would not be willing to give to one class who had been heard an opportunity which was not given to all other classes, but such was the case, and if the tariff has taken well on to four months to be completed—because it was only yesterday the last of the changes were made in the tariff—it has not been on account of any factious opposition on the part of gentlemen who usually oppose the Government, but it has been because the Government themselves had not made up their minds what the tariff was finally to be. They have been changing that tariff, which they took such pains to construct, day after day and week after week since the 27th March last, and here we are on the 21st July, and it was only yesterday that the last of the changes were made. I presume if we had sat for a month longer there would have been a great many more changes. It is only right that the country should understand these facts. I do not think we can point to any instance where a Government have placed themselves in such a position. They brought down their measure, which they claim was a well and carefully-prepared measure, and then at the instance of interested parties they have mutilated that measure in almost every detail from beginning to end and with one or two exceptions, which I shall refer to presently, all the changes have been in one direction—in favour of the protected minority and against the interests of the great bulk of the population. The one exception—in fact the only important exception—is the matter of coal oil. The pressure from the general public, and from the Opposition in the other House of Parliament, was so strong that a concession—not a large concession, but still a moderate concession—was made to consumers of coal oil, and with that exception all the changes have been adverse to the consumer and in favour of the protected industries. I have not watched over the changes in the tariff, but I believe the Government have not reimposed the objectionable specific duties on cotton—I mean they do not now combine specific and ad valorem duties upon cotton goods—but they have, with respect to other classes of goods, renewed the old, hateful combination of specific with ad valorem duties, notably in the various classes of wooden goods. Any hon. gentleman who will take the trouble to take up the speech of the Finance Minister, delivered on the 27th March, and carefully compare the tariff changes which he proposed then to make with the changes which have actually been made, will find that in a vast number of details that tariff, which was pronounced at that time almost perfect, has been altered, and altered for the worse from the point of view of any one who looks at it from the consumer's standpoint. I repeat, because

sufficient attention has not been called to the fact—I do not think there is any instance where a Finance Minister has come down and introduced a tariff measure, and has subsequently, at the instigation of classes who had been heard before that measure was introduced, altered his measure in almost innumerable details. If we have suffered this session, as we have suffered from remaining here so long at a time when it is almost too much for human nature to remain at work in a warm place like Ottawa, it is due almost altogether to the conduct of the Government with respect to this tariff measure. The various classes of the population of Canada, who did expect from the Government some reasonable concession to the wishes of the consumers, must be very much disappointed indeed by the result of the labours of the Government in connection with the tariff. I can imagine any man outside asking did ever so very great a mountain produce so very small a mouse? For all the work that has been bestowed upon it, all these changes might have been made in a week—the reduction of the duty on coal oil, the omission of the specific duties on cotton goods, and the reduction of the duties upon agricultural implements, which are, I think, all the substantial changes that have been made, might have been disposed of by the House of Commons in a week, if they had been proposed by themselves. In some respects the tariff has been aggravated, made more oppressive than it was before. I think there must be a general feeling of disappointment among the manufacturers throughout the country that their iron, which is raw material to most of them, has been left in practically the same position in which it stood before. The experiment to try and bolster up and bring into existence industries in connection with iron has been proved, by the experience of fifteen years, to be a substantial failure, and the general feeling amongst manufacturers, so many of whom use iron as raw material, is that there should be some reduction on the indefensible and, I might say, outrageous iron tariff introduced in the session of 1887 by the gentleman who is now High Commissioner. There will be a great dissatisfaction through the country at the general character of the tariff measure and particularly at the fact that there has has been no reduction made in the iron duties, and the duties on the necessaries of life, except in the case of cotton goods, and that we are going on substantially under the same old tariff. There is just one point that I may notice with respect to the reason given by the Government for delaying the summoning of Parliament, and to some extent, I believe, for the changes which have been made since the measure was introduced. It has been stated that one of the reasons why Parliament was not summoned earlier was, not that the Government has not prepared their tariff measure, or that their own views were not fixed and definite, but that they thought it was their duty to wait and see what was done with the tariff measure at Washington. I believe in cultivating friendly relations with the adjoining country, as well as with all other nations, but Canada should make her own laws, her tariff as well as other laws, to suit her own wants and should not be governed to any great degree by the actions of other countries, and it would have been, to my mind, a much more business like and wiser course for the Government to have framed their tariff in accordance with the wishes and the needs of the people of this country. They need not have troubled their heads very much as to what was being done in the neighbouring republic. They might have looked at the general fact, that the disposition there was to reduce the duties and make the tariff less protective than it was. The Government here might have reconstructed their tariff with the general object in view of making the burdens of our people somewhat lighter than they had been. Then they might have summoned Parliament at the usual time, passed their measure, and the following session, if it appeared as a consequence of the action taken by the Congress of the United States that it was desirable that certain other changes should be made in our tariff after some months' experience of the practical working of the tariff of the United States with respect to Canada, the Government could have at the next session introduced such amendments to the tariff as would have removed any inequalities in connection with its working. It is to be very much regretted that they did not do that. The Government have been in the habit of posing as an exceedingly loyal one which prefers the mother country and its methods to the United States and the methods of that country, and above all, they have prided themselves upon being a Cana-

dian Government, a Government which looks solely or almost solely at the interests of Canada. I regret to say that in the matter of this Tariff Bill, as well as in a great many other matters, they have belied their professions. They have been looking to Washington for hints as to the course which they should adopt here, and I have heard it said—I do not know whether it is a fact or not, but certainly it looks a little suspicious, that from the time when it appeared that the United States Senate was not going to accept the House Tariff Bill, the Wilson Bill, but was going in the direction of protection, and when the impression had begun to get abroad that the electors of the United States were not as strongly in favour of tariff reform as had been supposed, that the hedging process began, and continued with respect to this measure. The popular chamber in the United States shows that in that country the tariff reform sentiment is as strong amongst the bulk of the people as it has ever been, and if the Democratic party there are in a worse position now than they were some months ago, it is because the people were disappointed at the fact that the Democratic party, which now controls both branches of Congress, has not carried out its pledges. So that I think even in respect to that matter the Government have made a mistake. As I said before, I think they should have made the best tariff they could, looking at the interests of Canada, and not looking to Washington at all, and then they could, at a subsequent session, have made any changes which practical experience showed to be desirable. I am glad to see the hon. gentleman from Ottawa here and also the hon. gentleman from Shell River. These two hon. gentlemen have made the tariff a special study—a thing which I have not done, and I have no doubt they will be able to give the House a great many more ideas and detain the House considerably longer than I have been able to do.

Hon. Mr. SCOTT—I do not think it is quite fair to inflict a speech on the House at the present time, and all I can say is that I think the title of the bill is not quite what it ought to be. It professes to be for the purpose of raising a revenue for the country. From my standpoint, it is just the opposite. It is for the purpose of taxing the people of Canada for the benefit of a few privileged individuals, because that is really what the result of it is to a very great extent. It is quite true that we do, incidentally, perhaps get $30,000,000 under it. I do not know exactly what the figures are. I have no recollection of them, but it must be admitted that in order to get them you tax the people of Canada considerably more than that, from my point of view. From the investigation I have been able to give this subject, you tax them a very much larger sum, which tax of course goes into the hands of those who are protected, and that is really the view of the case that ought to be considered, because the bill professes to be one in support of giving us a revenue. Now, I will just take one item which illustrates sufficiently the whole subject. Take the duty on sugar. I see the Government have reduced it this year. It was eight-tenths, and I think it is reduced to six-tenths of a cent. At all events it is reduced some fractional part. What was the object of reducing it? Surely it must have been to withdraw a part of the protection and to cheapen the article. That is the only answer I can arrive at. The duty has been so arranged that no part of that, or a very trifling sum, comes to the revenue of the country. I find by the returns that the duty paid on sugar at the end of 1893 was $900,000 odd, while the value of the imported sugar which came in free was $6,600,000 and the returns show we imported 252,000,000 pounds. Now that, of course, is not refined, and reducing that, I suppose our consumption of sugar would be 150,000,000 pounds.

Hon. Mr. BOWELL—It is nearly double that.

Hon. Mr. SCOTT—At 30 pounds per head of the population it would be fully that. That is a rough calculation of my own. Well, if we get the eight-tenths of a cent on that it would mean over a million dollars. We would be able to pay the subsidy to the fast line without any trouble out of it, where as a matter of fact we only get the $900,000 odd. Supposing we reduce the duty, and import more sugar, we would get more revenue from the imported article. Supposing we brought it down to $\frac{1}{4}$ cent on the raw and $\frac{1}{2}$ cent on the refined, that would give our refiners some considerable advantage. They would have $\frac{1}{4}$ cent at all events, and it would give a very considerable sum to the revenue of this country,

but it is so adjusted that they get the raw material free, and the duty being just gauged at that particular point, we enable them to keep out the refined article. They had the opportunity of taxing the people of this country for the article, not up to the eight-tenths, but up to a certain proportion of it; otherwise why did the Government, during the present session, reduce the duty on sugar? It was, I suppose, to meet the clamour of the consumers who want to get their sugar cheaper, and you will find to the extent of that reduction you will get a cheaper sugar. I do not suppose it is reduced now to a point that will enable the foreign-made sugar to come in, but if it were brought down a little further the foreign article would come in, and it would help to pay part of the revenue of this country, contributing to the amount taken for duties. I think that is a very fair illustration of what I say, that the duties are so adjusted that the consumer is obliged to buy within Canada, products made in the country, not of course in all instances, but in a very considerable number of instances where the tariff is so arranged as to favour those who are its beneficiaries. You are practically taxing the great body of the people in order that a comparatively few industries may be able to live, and I think I may go a little further and say that a good many of them make a considerable amount of money out of it. At least that is the general belief. At all events, from my standpoint the duties ought to be so levied as to give at least the lion's share of the duties to the public revenue.

Hon. Mr. BOWELL—Those who represent the Government can have no fault to find with the tone which has characterized the remarks made by the hon. gentleman and his lieutenant upon this occasion. It is just what we might have expected, the general principle of complaint which has always prevailed, and I presume will prevail so long as the Opposition lasts—and I am under the impression that it will be for a very long time provided the people of this country remain in their ordinary senses. The Opposition have a certain amount of fault to find, and I do not know that the spirit which pervades them could be better illustrated than by a very old couplet:

> I do not like thee, Dr. Fell,
> The reason why I cannot tell,
> But this I do know full well,
> I do not like thee, Dr. Fell.

If you paraphrase that couplet and apply it to the Government, you will have a fair illustration of the principles—not principles, I will not say that, because I would scarcely dignify them by that name—but the policy that is pursued by those who oppose the Government. I give my hon. friend from Halifax credit for having made at least one or two very fair, and, I have no doubt, honest confessions. If he had been actuated by the same feeling and the same principle that the leader of the Opposition declared he was actuated by, of never talking to people outside, I should suppose he would not have said it. He says the members of the Government went to different parts of the country in this Dominion for the purpose of ascertaining the feelings generally of the manufacturers and importers and those who were interested in the trade and progress of the country; and he went further and said that he believed what they did they did honestly and fairly, that they heard the complaints, if any there were, in the different commercial centres of the Dominion, but he is not so sure that they acted upon the suggestions which were then made. I truly confess to him that upon some of the suggestions we have not acted; upon others we have. There were men who, like himself, have a very strong idea that the tariff should be completely revolutionized. How they proposed to raise the revenue to carry on the affairs of the country, they deigned not to tell us, and when we asked them whether they were desirous of resorting to direct taxation, they at once, particularly at at the period when they appealed to the people, repudiated any such idea. However, my hon. friend behind me (Mr. Boulton) is a little more honest in his convictions and expression of opinion upon this point. Parliament was called together at a period of the year when the Government thought it most advisable in the interest of the country. My hon. friend from Halifax laid down the principle that Canada should frame its tariff and its fiscal policy altogether in its own interest. In that respect I fully agree with him. He says that we should not look to Washington when we are dealing with questions of tariff or the imposition of taxation. To a certain extent I agree with him, but unfortunately for him he was scarcely logical in the conclusion at which he arrived in making that declaration. He told us that we should

have gone on framing our tariff in such a direction as we believed would be in the interest of Canada, and then he immediately told us that if the Americans had changed their tariff in such a way as to interfere with or affect the Canadian tariff, then at the next session we should have come to Parliament and asked for changes. Now it is that very principle to which the manufacturing and importing classes object *in toto*. When a tariff can be framed upon any principle of permanency, so much the better for the country, and if the proposition laid down by the hon. gentleman is correct, that we should frame our tariff in order to meet conditions in the United States, then it was much better that we should do so after we knew the effect which it would have upon us than to adopt a tariff and then amend it in accordance with the tariff of the neighbouring country. This question of looking to Washington, as applied to the present Government and those who support them, is ill-timed and out of place. If the hon. gentleman had pointed to members of his own party—if he had pointed out that a member of his own party went to Washington and suggested to the Government there how they could frame items in their tariff so as to coerce us into a certain line of conduct, then he would have been not only telling facts as they occur, but he would have been conferring a benefit upon the country and doing credit to himself.

Hon. Mr. POWER—One member, of whose conduct I certainly do not approve.

Hon. Mr. BOWELL—I have not heard either his leader or the hon. gentleman himself repudiate the conduct of that member, is very prominent in his party, even in matters of trade. He is as fickle as the weather itself. There is no phase of political economy that he has not advocated.

Hon. Mr. POWER—His conduct was not defended by any member of the Opposition elsewhere.

Hon. Mr. BOWELL—There is an old adage that silence gives consent, and when it is proved that a leading member of a party so forgets himself and his duty to his country, and becomes so unpatriotic as to suggest to a foreign country a means by which they could injure his own country, if the leaders of that party which he supports, and by whose side he sits, and with whom he constantly consults, do not repudiate it, then the leaders of the party are just as guilty as he is himself.

Hon. Mr. POWER—Instead of thinking of his country he was consulting his own interests.

Hon. Mr. BOWELL—The hon. gentleman has the same estimate of that politician's character that I have myself. I am sorry that there are so many like him in this country. It would be a waste of time at the present moment to dwell upon the different points that have been raised by the hon. gentleman, but he made a mistake, unintentionally I am sure, when he stated that the duties upon iron had not been reduced. There is not a single article in the iron duties, so far as partially manufactured articles are concerned, that has not been reduced. Whether they have been reduced to suit the views of the hon. gentleman, I am not prepared to say. I do not think they have, nor would it have been advisable in the interests of the country that they should be. In some respects, the hon. gentleman says, the tariff is higher than it was before. I should like him to point out in what respect it is so.

Hon. Mr. POWER—That has been pointed out in another place.

Hon. Mr. BOWELL—It has been asserted, but it has not been pointed out, and it is quite true that a number of changes have been made. The principle upon which those who have had the administration of affairs, particularly the tariff, have acted, has been to consult those who are interested, and when they received suggestions to treat them respectfully, and if at all consistent with the principles upon which the tariff is based, to carry them out, and not to insolently tell peoople, who really know as much if not more about the operations of the tariff than the politicians themselves, that they know nothing at all about it, and that they might go home. That is not the principle upon which this country should be governed, and in that respect I can tell the hon. gentleman that we are more inclined to act upon the principle of concession and

reform than those whom he has supported in the past. I do not propose to discuss the question raised by the leader of the Opposition. As to the title of the Bill with which he has found fault, he gave the best possible answer to his own objection. He says it is not for the purpose of raising a revenue, but for the purpose of taxing the people. I have been under the impression that the taxing of the people was for the purpose of raising a revenue. He admitted afterwards that we received about thirty millions of dollars, but he argued that we could receive more if the principle of taxation was different. Then we had the same old story—I do not say it disrespectfully—in reference to the sugar duties. He wanted to know why the sugar duties were reduced. They were reduced for the very reason which he himself has indicated, because it was found from experience that it was unnecessary to have as high a duty in order to protect the industries of the country. I deny, however, the deduction that he has drawn from the premises which he laid down. If what the hon. gentleman says be true that the imposition of eight-tenths or six-tenths of a cent, whichever it may be, goes into the pocket of the manufacturer and out of the pocket of the consumer and the revenue of the country, I should like him to explain to me how it is that sugars during the last 12 months, a good portion of the time, have been much cheaper in Canada than across the border, where they have not only free sugar but give a bounty of 2 cents per pound upon all the sugar raised in the country, which has enabled them to receive out of the revenue of the country a sufficient sum to remunerate them for the labour necessary to produce the article and by which means they could put it upon the market at a much cheaper rate. However, the present free trade party—the Democratic party and the Senate of the United States—have thought proper to change the sugar duties and impose a duty on sugar for revenue purposes. But if we impose the duty on sugar as suggested by the leader of the Opposition, that is on refined sugars, and also a duty upon raw sugar, the result would be no doubt what he says in that respect, that is, that you would have more revenue, but you would shut up all the refineries in the country. Would the people who consume sugar get it one fraction of a cent less? I say they would not, from the simple fact that if they paid it on the refined sugar it must come out of their pockets. If the raw sugar comes in free and a tax be put on the refined sugar to enable the industry to be carried on in the country, they do not pay any more than they would if the policy of the hon. gentleman were adopted. But in dealing with tariff matters, with what experience I have had, I have found that the free traders are, to a very great extent, of this calibre: they lay down a general principle as to the course that should be pursued in the raising of the revenue, but if there is anything in which they are themselves directly or indirectly interested, they are always the first to come to the Government and urge that they be protected. I will not particularize, but I could give you dozens of cases of that kind which suggest themselves to my mind, and they are industries which might be developed in this section of the country. Some of them have gone so far as to urge that a heavy duty be put on articles which you can take from the soil here, send across to the United States and have it manufactured there and brought back duty free. This policy is advocated by free traders—why? Because the raw product is an article obtained in Canada. I should be inclined to put a duty on the manufactured article to keep it out in order to create an industry by manufacturing the raw material in the country. But the idea of asking the Government to allow the raw material to be sent out of the country and have it manufactured elsewhere and brought back manufactured because the raw material is here, is a principle which I am sure the hon. gentleman from Halifax would not advocate or sustain if the proposal were made to himself. However, taking the tariff as a whole, it is a reduction so far as the principles upon which it is based would justify. Numerous changes were made during its progress through the House of Commons and those changes were made at the suggestion and from the reasoning advanced by those who know best how a change will affect the industries of the country. I am strongly of the view—I have never had any others since I knew anything of politics—that in all new countries, particularly one like ours, situated as we are alongside of a strongly protected country, we should protect all our industries to as great an extent as is necessary to develop them, and the moment you deviate from that, you must resort to some

other system by which you can raise your revenue, and if you do not get it by the means of a protective duty it must be got by means of direct taxation and closing up the industries which have been built up in this country. If not to the extent that we should like to see, certainly they have been built built up, and they will continue to grow in proportion to the growth of the country. If they have not advanced as rapidly as we should like them to have done, I lay the charge straight to the policy of the Opposition—to their constant denunciation, either directly or indirectly, of their own country, pointing out that other countries were better than ours, advocating a policy by which we should become identified and closely allied with a country that has a tariff from 20 to 25 per cent higher than ours. We are closing this session, I hope, as we began it—parting on the very best of terms with each other, and I can only hope that the result of the legislation will prove, as I believe it will be, beneficial to the whole country. If the time should unfortunately ever come when the whole policy of the country is to be changed, we shall have to look with some dismay as to the result. However, one party cannot expect to be in power forever. People do run wild on certain theories now and again, and they may possibly do as they did once before—turn out men advocating one set of principles, and put others advocating another set in, but as soon as they get an opportunity, after having had a few years' experience, I am sure the people will do as they did once before, turn them out and put in men with principles more in accord with their own views and the general interest of the country.

Hon. Mr. POWER—I should not like the hon. gentleman to look with dismay at the past experience of Canada. The country got along fairly well with a revenue tariff under his old leader, Sir John Macdonald, between 1867 and 1873. It would probably do fairly well another time under a similar tariff.

Hon. Mr. BOWELL—That is a very grave question. The country grew, I know, very slowly, but it did not develop as well under that system as it has developed since.

Hon. Mr. POWER—The population increased much faster.

Hon. Mr. BOWELL—I might give reasons why the population is not as great as it should be. However, we will look forward to the future with brighter hopes.

Hon. Mr. BOULTON—Although these are the dying moments of the session, I can hardly resist the invitation from the hon. gentleman from Halifax to make some remarks on the bill before the House. I do not propose now to enter into a dissertation on free trade, or argument, but it is worth while to refer to what the hon. gentleman from Halifax said, that it did appear, in consequence of the session being put off so late, that the Government were desirous of moulding their tariff in accordance with American principles of protection—that is in a certain way looking to Washington. I think myself that it is most desirable that we should endeavour to establish on our part the most friendly relations with our neighbours. The little difference in language and customs and everything should teach us that Americans and Canadians should be one so far as friendship is concerned, not necessarily one so far as our Government or our constitution is concerned, because we can work them out on different principles, but one of the ways in which we can establish a lasting friendship with them, it is within our power to inaugurate without asking them or being attracted by their policy at all, and that is to throw down our barriers upon a free trade basis, a basis that the people of Great Britain have for the past fifty years adopted. A great many people in the country say and believe that if we throw down our barriers our country will be overrun with their goods and our industries destroyed. I can point to Europe for illustration—the small state of Holland is a free trade country, and Belgium is also a free trade country. These two are surrounded by Germany, France, Austria, Italy, all among the most highly protected and populous countries in Europe, yet Holland stands to-day one of the most wealthy countries in the world, only second to England in wealth. Belgium likewise, though their barriers are down, though every country in the world has free run so far as their industries are concerned, they are not over-powered. England is not over-powered, but the economic condition that free trade affords to manufactures is of such a powerful character that it enables them to enter into the world's

markets, force their way through almost the strongest barriers and maintain the largest amount of industry in the world, larger under that policy than you can ever hope to maintain under protection, because under protection your manufacturing power is confined to the population that is within the protected area. Our manufacturing cannot go further than the power of manufacturing for 5,000,000 people in the country. That has been shown because, after 14 years of it, we are to-day exporting comparatively little as against the 115 millions of our natural products. Therefore we need not be a bit afraid of being overrun so far as the United States is concerned. There is one thing that is worth while drawing attention to at the present moment, and that is the fact that our exports are exceeding our imports. A great many people argue that that shows prosperity, that because we are selling more and importing less, we must be getting rich. That is, I believe, a fallacy pure and simple. The fact that our imports are falling off while our exports are being increased shows that our purchasing power is diminishing to pay for those imports.

Hon. Mr. McMILLAN—That only applies to purchasers from abroad.

Hon. Mr. BOULTON—You send out $100,000,000 worth of exports and you get back only $90,000,000; it shows your purchasing power is $10,000,000 less.

Hon. Mr. BOWELL—Where does the $10,000,000 go?

Hon. Mr. BOULTON—It goes to pay your foreign indebtedness.

Hon. Mr. BOWELL—You would have to pay that any way.

Hon. Mr. BOULTON—Certainly, but if you held that $100,000,000 in your own country and had not to send it out, your purchasing power would be increased to that extent.

Hon. Mr. BOWELL—How are you going to do it if you buy all that you consume?

Hon. Mr. BOULTON—You cannot get rid of that broad fact, that if you send out $100,000,000 of produce and get back only $90,000,000, there is a reduction in your purchasing power of $10,000,000.

Hon. Mr. BOWELL—You have $10,000,000 in your pocket.

Hon. Mr. SCOTT—The United States to-day, are exporting far more than they buy, but in addition to that they have been out over a million dollars in gold a week, until they have been obliged to issue treasury bonds to return gold to the treasury.

Hon. Mr. BOULTON—That is the result of protection.

Hon. Mr. BOWELL—Does the hon. gentleman mean to say that the United States has deteriorated either in wealth or in strength during the last few years?

Hon. Mr. SCOTT—I mean to say that the financial condition of the United States is being year by year destroyed by its policy, and that is the very point that the hon. gentleman opposite was making, showing that the exports exceeding the imports is no criterion of prosperity. They are exporting gold, and the hon. gentleman knows they are in a quandary. It is thought to be extraordinary that although they sell more than they buy, yet they have to send gold abroad. It should be the other way.

Hon. Mr. BOULTON—Let the hon. gentleman just compare the condition of the United States to-day as far as its foreign trade is concerned: its foreign trade was $1,500,000,000 and it has been reduced the past year to $1,300,000,000, and while it is being reduced to $1,300,000,000 the exports exceed the imports by $150,000,000, while the imports into Great Britain are almost double the exports. It shows they are getting wealthy and their purchasing power is always on the increase. That is in consequent of the economic condition that free trade gives to their industry which enables them to make such a large profit. They import from abroad and manufacture, put their labour on to it, and send it abroad again, and the process is such that it gives them a purchasing power greatly in excess of their exporting power, and at the same time it must be remembered that most of the imports are raw material at the lowest grade of their price, while the exports are manufactured and represent the highest value of the raw material.

Hon. Mr. BOWELL—The hon. gentleman does not want us to believe that every-

thing that is imported into England, not to be manufactured, is not sent out. There are hundreds of millions of dollars worth of goods imported into England and sent out just in the same state as they are brought in.

Hon. Mr. BOULTON—Three hundred millions of the foreign trade are imports of the manufactured or partially manufactured article; £65,000,000 is the importation of manufactured articles out of that $3,700,000,000 of foreign trade, and that is a very small amount out of the excessively large amount of imports that they may bring in, which is, I think over $2,000,000,000 a year. With regard to the revenue, it is not a question of raising a revenue by taxation and protection, because, of course, if you charge every single thing that comes into the country it is very easy to squeeze a revenue out of a population, but coupled with the revenue under the present mode of levying is the fact that you impose $2 of taxation which goes into manufacturers pockets for $1 that the Government requires. That can be proved, and has been proved over and over again.

Hon. Mr. BOWELL—It has been stated.

Hon. Mr. BOULTON—Yes, and proved.

Hon. Mr. McMILLAN—How would you prove it?

Hon. Mr. BOULTON—Take coal oil which has been increased in price by 10 cents a gallon duty or has been increased until lately a slight reduction has been made. That 10 cents a gallon is a duty collected on 6,000,000 gallons that come from the United States but the 10,000,000 gallons that is produced in Canada is increased in price by the amount of duty at the port of entry. Now, there are 16,000,000 gallons of coal oil consumed. If you were to put a excise revenue of 10 cents on that you would collect $1,600,000, every penny of which would go into the treasury, but under the present system $1,000,000 of it goes into the pockets of the producers of coal oil and only $5,000,000 into the treasury. Now, that is one example very easily understood as to the difference between raising a revenue by taxation and protective taxation or raising it by ordinary purposes limited by the requirements of the Government and if the purchasing power of the great mass of the people, which is the industrial population, has been reduced by taxation in that way you must not only impair their purchasing power, you must impair their prosperity in the long run, and hold the country down to a very normal state. A country such at this, with a healthy climate, magnificient water powers, good and ample resources, should extend and increase in population far more than we have done in the past fourteen years. You put on a protective tax in order to produce iron in Nova Scotia. What for? To sell to us in the North-west. Now, hon. gentlemen you can convey the iron that you produce in Nova Scotia to Australia by a water carriage at a far less rate of freight than you can send the iron to the North-west. Therefore which is the best? To take advantage of the lower freights and find a market of 4,000,000 people in Australia, or put on your protective taxation in order to find a market for your own iron for 250,000 people in the North-west, and tax them heavily on all the iron they consume? That is the difference, but you can only reach the Australian market by having the most economic conditions applied to your industries. You cannot have a protective tax and find an outlet for your wares in Australia because there you have to enter into competition with all other countries, and countries like England that do work under the free trade economic condition. Therefore I say a free trade policy will enable you in Nova Scotia to quadruple and multiply your iron trade ten fold by seeking the market of Australia, if you only apply the economic conditions to enable you to do so. The hon. gentleman spoke of paper. He says our raw material should go into the United States and there be manufactured and brought again into this market free.

Hon. Mr. BOWELL—I said that had been advocated by some free traders.

Hon. Mr. BOULTON—Yes, and that is what I am advocating. If you apply our free trade to all our industries, paper included, instead of our raw material being sent to the United States and manufactured there, and supplying large amounts to newspaper publishers, one hundred tons a day, I believe, to one publisher, instead of that we would be manufacturing that one hun-

dred tons a day for that paper and sending it direct from Canada.

Hon. Mr. POWER—No publisher can consume one hundred tons a day.

Hon. Mr. BOULTON—Yes, at any rate it is a large amount, but not an excessive estimate for an importing publisher. Some of those papers in Australia use fifteen tons a day, and inquiry will, I think, satisfy the hon. gentleman that I am not far astray. When the Australian and New Zealand delegates were here they asked Mr. Eddy, I believe, for estimates for large quantities. The United States manufacturers largely supply this trade, and no doubt the paper is largely manufactured from our own raw material. Why cannot we do it ourselves? I believe that we would increase our consumption, our manufacture of paper and everything else by a different policy. The hon. gentleman refers to a theory. This is no theory, but solid practical results which have been attained by free trade countries, Holland, Belgium and Great Britain, which may be pointed to with pride by anybody who desires to find a living example of what not the theory of free trade but the principle of free trade will do for a country. I do not wish to impose any free trade remarks on the House, but holding the views I do I cannot but express regret that the protective features have been maintained at a very high standard in the tariff whilst the changes have been slight, and I think are not calculated to work any advantage to the country. The Government announced in their speech from the Throne that they intended to maintain their protective policy and I think they have successfully done that so far as this tariff is concerned.

Hon. Mr. CLEMOW—The views of the hon. gentlemen are in advance of the party's policy. He is a free trader pure and simple. I am a protectionist from the word go. It is all very well to talk of free trade, but what employment would we have in this country if we had free trade? What is it that has built up this country? We had a sample of free trade in 1877 and 1878 and we know the desolation and disaster which occurred during those five years.

Hon. Mr. BOULTON—Would the hon. gentleman inform me, in the city of Ottawa, with 50,000 population, what particular industry or individual would be injured by free trade or is benefited by protection?

Hon. Mr. CLEMOW—If we had not protection we could not have an operating establishment in Ottawa city or any part of Canada.

Hon. Mr. POWER—How about the lumber mills?

Hon. Mr. CLEMOW—The Americans could manufacture every article required for our domestic use to supply the limited number of our population without feeling it in the least degree. The surplus stocks on hand could easily realize that double object, so far as the manufacturing interests of the United States are concerned. If we had free trade this country would be a slaughter market. The prices would be reduced it is true, but what would be the use of low prices when the people would not have the wherewithal to purchase? I think we had better abandon the idea of free trade in our day. A great deal has been said with reference to the action of the Government respecting the various gentlemen who made a tour of the country to ascertain the feelings of the people. I think it was a sensible course. They were anxious to take the people into their confidence and find out what they required. That was a different policy to the one followed by the members of the Mackenzie Government. They would not listen to representations from any source, friend or foe, and felt themselves above hearing anything. I suppose in many instances the present Government have met the views of those who made representations to them. I am not altogether satisfied that they have not made too great concessions in many instances. I would not have given in at all. I would have held out for a more protective tariff. I think the evidence of last year, showing the advantages to be gained under the McKinley tariff, demonstrates that if we would only wait patiently we would ultimately succeed far better than by submitting to any modification of it. I hope the McKinley tariff will continue and give us the opportunity of developing the trade of our country, and doing business in our own way. We have progressed in this

country to an amazing extent. We have built the Canadian Pacific Railway and made other improvements which would have been impossible without the National Policy. We have heard of unrestricted reciprocity and commercial union. These are impossibilities; they could not be carried out. The only sensible thing proposed by some gentlemen of the Liberal party was annexation pure and simple. That is the only course that should be observed, so far as their policy was concerned.

Hon. Mr. POWER—Is the hon. gentleman in favour of that?

Hon. Mr. CLEMOW—No, most decidedly not. That was urged by members of the Liberal party, Cartwright and Farrar, who together with Wiman went round the country and advanced arguments tending in that direction, but they did not accomplish their purpose, and the people of this country know their own interests too well to abandon their own flag and the protective system by which they have benefited in every respect. If the Opposition were in power to-morrow they would not deviate from the present policy to any extent; we cannot carry on the affairs of the country without a revenue, and I do not believe the time has arrived yet to advocate direct taxation. I do not believe the radical party would attempt it for a moment, because they know the people would not submit to it. We ought to feel proud that we have succeeded so well in this policy which was initiated a few years ago. It is astonishing how beneficially it has been carried out. In every respect the people have been prosperous. Some of the manufacturers have not succeeded as well as might be desired, but that is an incident that must be expected, and no very great loss has resulted therefrom, but to talk of a nostrum of free trade, as the hon. gentleman on my left (Hon. Mr. Boulton), has been doing, is wasting time. I admit there have been some difficulties in the North-west, as he says, and he may have had to pay a high price for coal oil, but it amounts to nothing in comparison with other advantages derived from the National Policy. The tariff has been modified to a great extent now, and the people are satisfied. My hon. friend complains of the extravagant price of coal oil, but it has been shown that freight and the middlemen were to blame for that. We know that it is a difficult thing to handle, and they put on a large margin of profit. A dealer obtaining coal oil for 12½ cents would retail it at 25 cents. That is obviated by allowing the coal oil to be brought into the country in tanks, and we will hear no more of that difficulty in the future. We should feel satisfied to live in a prosperous country like this, where every man can obtain employment if he is able and willing to work, and can make money, and it is all the result of the National Policy. There is no place on the face of the globe so well situated as Canada. I hope the freight rates in the North-west will be reduced. Possibly they have been excessive, but I believe the Government are going to appoint a commission to inquire into the subject, and I believe the leader of the Opposition will agree with me that the Canadian Pacific Railway Company are willing to do everything in their power to benefit the country—that is one of the principles of the Canadian Pacific Railway Company on all occasions. Let us never forget that we live in a free country, and should be satisfied with our advantages, and the way in which we are governed. It will be a long time before the Opposition obtain power unless they change their tactics. I do not think they have shown a capacity to manage the affairs of the country satisfactorily: it is quite evident that the people feel that they can be best taken care of by the Conservative party.

Hon. Mr. BOULTON—The hon. gentleman stated that we should be satisfied with the price of coal oil now, because arrangements have been made to use tank cars, but we passed a bill here the other day reducing the flash test by 10 per cent, so that now we will require to have two lamps burning where we only had one before. Instead of being benefited by the legislation relative to coal oil, we will have to pay double on account of the test. This reduction gives you a poor light, and you have to use double the quantity of oil to get the same light.

Hon. Mr. BOWELL—The United States has a lower test than ourselves.

Hon. Mr. CLEMOW—It was proved the other day that 85 was a sufficient test, and the whole trouble was to get a proper chimney. With a proper chimney 85 will be

safer than 95 with an improper chimney. I was of the other opinion myself until I heard the matter explained. In the United States the test is reduced to 73. I am satisfied the Government have done what is right in reducing the test.

The motion was agreed to.

Hon. Mr. BOWELL moved the third reading of the bill.

The motion was agreed to, and the bill was read the third time and passed.

The Senate adjourned at 5.40 p.m.

---

## THE SENATE.

*Ottawa, Monday, July 23rd, 1894.*

THE SPEAKER took the Chair at Two o'clock.

Prayers and routine proceedings.

The House was adjourned during pleasure.

After some time the House was resumed.

## THE PROROGATION.

At three o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz. :—

An Act respecting the Wood Mountain and Qu'Appelle Railway Company,

An Act to again revive and further amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company.

An Act respecting the Canada and Michigan Tunnel Company.

An Act respecting the Bell Telephone Company of Canada.

An Act respecting the Ottawa Gas Company.

An Act to amend the Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada.

An Act respecting the Atlantic and North-west Railway Company.

An Act respecting the Niagara Grand Island Bridge Company.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

An Act to incorporate the Elgin and Havelock Railway Company.

An Act respecting the St. Lawrence and Adirondack Railway Company.

An Act to revive and amend the Act to incorporate the Brandon and South-western Railway Company.

An Act respecting the Montreal and Ottawa Railway Company.

An Act respecting the Winnipeg and Hudson Bay Railway Company, and to change the name thereof to the Winnipeg Great Northern Railway Company.

An Act to incorporate the Dominion Woman's Christian Temperance Union.

An Act to amend the Act respecting the Ladies of the Sacred Heart of Jesus.

An Act to amend the Harbour Masters Act.

An Act to amend the Act respecting Lighthouses, Buoys and Beacons, and Sable Island.

An Act further to amend the Acts respecting the Harbour of Pictou, in Nova Scotia.

An Act for the relief of Caroline Jane Downey.

An Act to incorporate the St. Clair and Erie Ship Canal Company.

An Act to incorporate the Duluth, Nepigon and James's Bay Railway Company.

An Act to authorize the purchase of the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company, Limited, and to change the name of the latter company to the Dominion Atlantic Railway Company.

An Act respecting the Guelph Junction Railway Company.

An Act respecting the Medicine Hat Railway and Coal Company.

An Act to amend the Inspection of Ships Act.

An Act to amend the Railway Act.

An Act to amend the Acts relating to the Moncton and Prince Edward Island Railway and Ferry Company.

An Act to again revive and further amend the Act to incorporate the Red Deer Valley Railway and Coal Company.

An Act to incorporate the Wolseley and Fort Qu'Appelle Railway Company.

An Act respecting the Dominion Burglary Guarantee Company (Limited).

An Act to incorporate the Canadian Railway Fire Insurance Company.

An Act respecting the Richelieu and Ontario Navigation Company.

An Act to incorporate the Canadian Railway Accident Insurance Company.

An Act to incorporate the Northern Life Assurance Company of Canada.

An Act to amend the Acts respecting the Clifton Suspension Bridge Company.

An Act to confirm an agreement between the Ottawa City Passenger Railway Company and the

Ottawa Electric Street Railway Company, and an agreement between the said companies and the Corporation of the city of Ottawa, and to unite the said companies under the name of "The Ottawa Electric Railway Company."

An Act to disfranchise Voters who have taken bribes.

An Act to incorporate the Colonial Mutual Life Association.

An Act to incorporate the Dominion Gas and Electric Company.

An Act to incorporate the Ottawa Electric Company.

An Act to empower the Niagara Falls Suspension Bridge Company to issue debentures, and for other purposes.

An Act to incorporate the Welland Power and Supply Canal Company (Limited).

An Act to incorporate the Lake Megantic Railway Company.

An Act to revive and amend the Act to incorporate the Rocky Mountain Railway and Coal Company.

An Act respecting the Erie and Huron Railway Company.

An Act respecting Public Harbours.

An Act to incorporate the Ontario Mutual Life Assurance Company.

An Act to incorporate the Cariboo Railway Company.

An Act respecting the Chaudière Electric Light and Power Company (Limited).

An Act to incorporate the Metis, Matane and Gaspé Railway Company.

An Act respecting the Consumers' Cordage Company (Limited).

An Act respecting the Ontario Loan and Debenture Company.

An Act to incorporate the Alberta Southern Railway Company.

An Act further to amend the law relating to Holidays.

An Act to amend the Seamen's Act.

An Act to provide for the examination of witnesses on oath by the Senate and House of Commons.

An Act to repeal the Homestead Exemption Act.

An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal.

An Act further to amend the Revised Statutes, chapter seventy-seven, respecting the safety of ships.

An Act respecting the Manitoba and Northwestern Railway Company of Canada.

An Act for the relief of Nicholas Joshua Filman.

An Act for the relief of Willian Samuel Piper.

An Act for the relief of Joseph Thompson.

An Act for the relief of Orlando George Richmond Johnson.

An Act respecting the Calgary Irrigation Company.

An Aet to provide for the better preservation of Game in the unorganized portions of the Northwest Territories of Canada.

An Act to amend an Act relating to the Custody of Juvenile Offenders in the province of New Brunswick.

An Act to amend the Act respecting the incorporation of Boards of Trade.

An Act respecting Arrest, Trial and Imprisonment of Youthful Offenders.

An Act to incorporate the Alliance of the Reformed Baptist Church of Canada and the several churches connected therewith.

An Act respecting the Canada Southern Railway.

An Act further to amend the North-west Territories' Representation Act.

An Act respecting the Speaker of the Senate.

An Act further to amend the General Inspection Act.

An Act respecting the Montreal Island Belt Line Railway Company.

An Act to incorporate the General Trust Corporation of Canada.

An Act further to amend the Revised Statutes respecting Interest.

An Act to amend the Consolidated Revenue and Audit Act.

An Act respecting the Seigniory of Sault St. Louis.

An Act respecting the St. Lawrence Insurance Company.

An Act respecting the St. Catharines and Niagara Central Railway Company.

An Act to amend and consolidate the Acts respecting the North-west Mounted Police Force.

An Act further to amend the Steamboat Inspection Act.

An Act further to amend the Act respecting certificates to Masters and Mates of Ships.

An Act respecting the Common School Fund.

An Act respecting certain subsidies granted to the Government of the province of Quebec by chapter eight of the Statutes of 1884.

An Act further to amend the Cullers' Act.

An Act to consolidate and amend certain Acts relating to the Ottawa and Gatineau Valley Railway Company, and to change the name of the company to the Ottawa and Gatineau Railway Company.

An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

An Act respecting Houses of Refuge for Females in Ontario.

An Act to incorporate the New York, New England and Canada Company.

An Act to incorporate the Nova Scotia Steel Company (Limited).

An Act further to amend "The Indian Act."

An Act further to amend the Petroleum Inspection Act.

An Act further to amend the Acts respecting the Civil Service.

An Act further to amend the Act respecting the Judges of Provincial Courts.

An Act to incorporate the Edmonton Street Railway Company.

An Act respecting the Lake Erie and Detroit River Railway Company and the London and Port Stanley Railway Company.

An Act to incorporate the Montreal, Ottawa and Georgian Bay Canal Company.

An Act respecting the utilization of the waters of the North-west Territories for irrigation and other purposes.

An Act to incorporate the Pontiac and Ottawa Railway Company.

An Act respecting the Cobourg, Northumberland and Pacific Railway Company.

An Act to incorporate the Gleichen, Beaver Lake and Victoria Railway Company.

An Act to again revive and further amend the Act to incorporate the Brockville and New York Bridge Company.

An Act to incorporate the French River Boom Company (Limited).

An Act respecting the Atlantic and Lake Superior Railway Company.

An Act respecting the Montreal Park and Island Railway Company.

An Act respecting Dominion Lands.

An Act further to amend the Act respecting Ocean Steamship Subsidies.

An Act further to amend the Act respecting the Senate and House of Commons.

An Act further to amend the Post Office Act.

An Act respecting a certain treaty between Her Britannic Majesty and the President of the French Republic.

An Act respecting the land subsidy of the Canadian Pacific Railway Company.

An Act further to amend the Fisheries Act.

An Act respecting the Inspection of Electric Light.

An Act further to amend the Criminal Code, 1892.

An Act in restraint of Fraudulent Sale or Marking.

An Act for the relief of James St. George Dillon.

An Act to amend the Act respecting Dominion Notes.

An Act to amend an Act to provide for the allowance of drawback on certain articles manufactured in Canada, for use in the construction of the Canadian Pacific Railway.

An Act to authorize the granting of subsidies in land to certain Railway Companies.

An Act respecting the Units of Electrical Measure.

An Act to incorporate the Boynton Bicycle Electric Railway Company.

An Act further to amend the Insurance Act.

An Act to consolidate and amend the Acts respecting Land in the Territories.

An Act further to amend the Inland Revenue Act.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

An Act to provide for the payment of Bounties on Iron and Steel manufactured from Canadian ore.

An Act further to amend the Dominion Elections Act.

An Act further to amend the Acts respecting the North-west Territories.

An Act further to amend "The Electoral Franchise Act."

An Act to consolidate and amend the Acts respecting the Duties of Customs.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :—

MAY IT PLEASE YOUR EXCELLEECY :

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bill :—

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1894, and the 30th June, 1895, and for other purposes relating to the Public Service,

to which bill I humbly request Your Excellency's assent.

To this bill the royal assent was signified in the following words :—

In Her Majesty's name, His Excellency the Governor General thanks his loyal subjects, accepts their benevolence, and assents to this bill.

After which His Excellency the Governor General was pleased to close the Fourth Session of the Seventh Parliament of the Dominion with the following speech :

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

In bringing to a conclusion this laborious session of Parliament, I have to thank you for the assiduity and zeal with which you have attended to the various matters which have been brought before you.

I congratulate you upon the notable fact that the invitation which my Government extended to the Governments of the other Colonies to send representatives to Canada to confer on matters affecting their mutual interests was so promptly accepted ; and that Her Majesty's Government also enhanced the dignity and usefulness of the Conference by sending a representative to assist at its deliberations. It is confidently hoped that the results of the Conference will be found beneficial to the Colonies and to the Empire generally.

The ratification of the Treaty of Commerce with France will lead, I hope, to a large increase in our exports and an extension of friendly relations with that country.

I trust that the arduous work which has engaged you in readjusting the Duties of Customs will accomplish the desired result of adapting the tariff to the present conditions of the various classes of our popalation.

The Statutes of the session will show that the laws affecting many public interests have been revised and greatly improved by your efforts, and I observe that you have likewise made generous provision for public improvements which are designed to increase the facilities for travel and transportation throughout the country.

*Gentlemen of the House of Commons :*

I thank you for the liberal provision which you have made for the services of the current year.

*Honourable Gentlemen of the Senate :*
*Gentlemen of the House of Commons :*

In relieving you from your present duties I pray that your labours may be fruitful of benefit to the country and that on returning to your homes you will find that a generous harvest is about to reward the toil of our farmers and that the blessing of Providence has been likewise bestowed abundantly on all the other interests of the people whom you represent.

The SPEAKER of the Senate then said :

*Honourable Gentlemen of the Senate, and Gentlemen of the House of Commons :*

It is HIS EXCELLENCY THE GOVERNOR GENERAL'S will and pleasure, that this Parliament be prorogued until Saturday, the first day of September next, to be here held, and this Parliament is accordingly prorogued until the first day of September next.

# INDEX

TO

# DEBATES OF THE SENATE

OF THE

# DOMINION OF CANADA

# 1894.

---

PART I. constitutes an Index to the names of Senators, with their action and observations upon the respective subjects.

PART II. constitutes an analytical Index to all subjects debated.

The following abbreviations are used: Addl., additional; Amt., amendment; Amd., amended; Appt., appointment; B., Bill; Cl., Clause; Co., Company; Com., Committee; Com. of the W., Committee of the Whole House; Consolid., Consolidation; Corresp., Correspondence; Govt., Government; His Ex., His Excellency; H. of Commons, House of Commons; Incorp., Incorporation; Inqy., Inquiry; Inquies., Inquiries; M., Motion; *m.*, moved; Par., paragraph; Ry., Railway; Sect., section; W., Whole House.

On a Division: C., Content; N.-C., Non-Content.

1st R., 2nd R., 3rd R., 1st, 2nd, and 3rd Readings.

*, Without comment or debate.

---

In Part II., Index to Subjects,
BILLS which have become STATUTES have the CHAPTER added in each case
(*57–58 Vict., cap.* .)

# I.—INDEX TO SENATORS.


**ABBOTT, the late Hon. Sir J. Caldwell.**

REMARKS ON THE DEATH OF. Mr. Bowell, 4; Messrs. Scott, Allan, 5; Mr. Armand, 6; Mr. Boulton, 69.

**ALLAN, Hon. George William.**

ABBOTT, THE HON. SIR J. CALDWELL.
Remarks on the death of, 5.

ATLANTIC AND LAKE SUPERIOR RY. CO.'S B. (73).
Reported from Ry. Com. with Amt., which explained, 692.

ATLANTIC, FIRST STEAMER THAT CROSSED, COMMEMORATION. *See* "Library Committee's Report."

BILLS, PRIVATE, IRREGULARITIES, &C. *See* "Order and Procedure."

BOOKS, PURCHASE OF. *See* "Library Committee's Report."

BOYNTON BICYCLE RY. CO. INCORP. B. (85).
Reported from Ry. Com. with Amt., which explained, 705.

CANADIAN MUTUAL LIFE ASSOCIATION B. *See* "Colonial."

CLEMENT'S CONSTITUTION OF CANADA, PURCHASE. *See* "Library Committee's Report."

COLONIAL MUTUAL LIFE ASSOCIATION INCORP. B. (K).
On Order for consideration of Banking and Commerce Com.'s Report: remarks on Amts., with reference to the new Insurance B., and the intention of mover of this B. to *m.* its reference back to Com., 310.
Reported again from that Com., with Amts., which explained, 360.

COMPANIES, JOINT STOCK, NEW REGNS. *See* "Joint Stock."

CONSUMERS' CORDAGE CO.'S B. (31).
3rd R. *m.* (in absence of Mr. Ogilvie)*, 613.

CONTINGT. ACCTS. COM. *See* "Internal Economy."

CRIMINAL LAW, ADMINISTRATION OF. *See* "Youthful Offenders, B."

DILLON, JAS. ST. G., DIVORCE B. (T).
On M. (Mr. Clemow) for adoption of Com. Report, in favour of B., and Amt. (Mr. Bellerose) to re-commit and strike out cl. of B. permitting re-marriage: ques. on the procedure, 619.

ELECTRIC LIGHT INSPECTION B. (118).
On M. (Mr. Angers) for 2nd R. On amount of Govt. legislation in Senate; and on date of calling session, 694.

EVIDENCE, PARLIAMENTARY WITNESSES, B. *See* "Parliamentary."

FISHERIES ACT FURTHER AMT. B. (145).
In Com. of the W.—On cl. 5: on Amt. (Mr. Power) appt. of Inspector, 707.
On sub-cl. 10: lobster canning regulations, 710.
On sub-cl. 12: duties of Inspector, 715.
On cl. 6: on Mr. Clemow's proposed Amt., sawdust in rivers, 723, 724.

**ALLAN, Hon. George William**—*Contd.*

GAME PRESERVATION, N.W.T. *See* "N.W.T."

HAY, INSPECTION OF. *See* "Inspection, General, Act."

INSOLVENCY ACT, 1894; B. (C).
On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) for Resolution, legislation to grant discharges to insolvents whose estates are equitably administered: Amt. will reflect discredit on Senate, should be withdrawn, 610.

INSPECTION, GENERAL, ACT, AMT.; HAY INSPECTION; B. (125).
In Com. of the W.—Defects: good qualities besides clover and timothy; inspection should be before baling, and obligatory, 489.

INSPECTION OF ELECTRIC LIGHT B. *See* "Electric."

INSPECTION OF LOBSTERS, &C. *See* "Fisheries Act Amt."

INSURANCE ACT FURTHER AMT. B. (V).
On M. (Mr. Angers) for concurrence in Commons' Amts., and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., inserting cl. *d* in the B., 832-3.

INTERNAL ECONOMY COM., 3RD REPORT.
On M. (Mr. McKay) for adoption of. Ques. of supervision of Messengers by Serjt.-at-Arms, 651.
On Amt. (Mr. McInnes, B.C.) for increase of Postmaster's salary: that Report must be re-committed, 654.

JOINT STOCK COS., INCORP., &C.; new Regulations; B. (EE).
In Com. of the W.—On cl. 195: ques. as to extending liquidation provisions to existing Cos., 584.

JUSTICE, ADMINISTRATION OF. *See* "Youthful Offenders, B."

JUVENILE OFFENDERS. *See* "Youthful Offenders, B."

——— in N.B. *See* "New Brunswick."

KINGSFORD'S HISTORY OF CANADA, PURCHASE. *See* "Library Committee's Report."

LIBRARY COMMITTEE'S REPORT.
Adoption *m.* and Report explained: commemoration plate, of first steamer that crossed the Atlantic; purchase of Clement's book on Constitution of Canada, and Kingsford's history of Canada, 309. Reply to Mr. DeBoucherville: Report will be adopted in Commons to-day, 309. To Mr. Kaulbach: nothing can be done as to expenditure, till adopted in Commons, 309.
2nd Report, adoption *m.*; Memorial of first steamer across the Atlantic, 521.

LIGHTHOUSES, BUOYS, &C., AND SABLE ISLD., B. (B).
On M. (Mr. Bowell) for 2nd R.: on ques. of salaries being fixed by a Senate B.: that this B. does not fix salaries, 88.

LOBSTER CANNING. *See* "Fisheries Act Amt."

**ALLAN, Hon. George William**—*Contd.*

Lord's day observance B. (2).

On Message from H. of Commons and 1st R.*: *M.* for 2nd R. to-morrow (14th June), 527.

2nd R. *m.*, and B. explained, 565. On Amt. (Mr. Almon) for six months' "hoist," and debate thereon; the B. advocated, history of such legislation in Europe, in the Province, &c., 569, 570. Comment on Sir F. Smith's speech: Sunday newspaper selling in Toronto, 572. The B. further defended, 575.

Messengers, supervision by Sergt.-at-Arms.

Ques., on adoption of Internal Economy Com. Report, 651.

Montreal Park and Island Ry. Co.'s B. (68).

Reported from Ry. Com. with Amts., which explained, 692.

Mounted Police—*See* "N. W. M. Police."

New Brunswick, juvenile offenders, custody of; B. (GG).

In Com. of the W.—Reply to Mr. Bowell: age fixed in "Youthful offenders, punishment of, B." 565; further, 565.

N.W. Mounted Police Acts consolid. B. (121).

In Com. of the W.—On cl. 4: duties of Commissioner, 647.

N. W. T. game preservation B. (Z).

In Com. of the W.—On cl. 5: on Mr. Power's suggestion to extend close season, 334.

On cl. 8: ques., meaning of, "inhabitants," 337; slaughtering of fur-bearing animals for food, alteration of cl. suggested, 338.

On cl. 22: scientific collections, taking out certificates suggested, 342.

Oaths, Parly. Witnesses, B. *See* "Parliamentary."

Ocean Steamship Subsidies B. (161).

On M. (Mr. Angers) for 2nd R.—A ques., 801; remarks, 803.

Order and Procedure, questions of:

*Bill, Company, name objectionable.* *See* "Trust Corporation of Canada, B." (below).

*Bill within Senate powers.* On Mr. Masson's ques. as to Lighthouses B.: that it does not fix salaries, 88.

*Bills, private, Notice wanting.* On Report of Standing Orders Com., Notice wanting in several cases: that, instead of Report, Clerk should have notified parties, 264.

*Bills, private, time for reporting.* On Report of Standing Orders Com., to extend time till end of Session, for reporting: that time for reporting should correspond to extension of time for petitions, 284. On the reading of cl. of Rule, 284.

*Com. Report, improper Amt. of.* That, instead of Amt. to Internal Economy Com. Report, at table, it should be referred back to Com., 654.

*Com. Report, involving expenditure.* Explanation that Library Com.'s Report may be adopted, as nothing can be done upon it till adopted in Commons, 300.

*Constitutional questions.* *See* "Senate, Speaker, temporary, B.," debate on. Also "Youthful Offenders, B." (paroling power to Provincial Govts., &c.)

*Divorce Procedure.* Ques. on procedure, on consideration of Report of Com., 619.

*Senate, Govt. legislation in.* Remarks, 694.

*Session, date of calling.* Remarks, 695.

**ALLAN, Hon. George William**—*Contd.*

Ottawa & Gatineau Ry. Co.'s. B. (72).

Reported from Ry. Com. with Amt., which explained, 665.

Parliamentary Witnesses Oaths Act, 1894; B. (90).

In Com. of the W.—Suggestion of Mr. Vidal, for a verbal Amt., supported, 365.

Postmaster, Increase of Salary. *See:*

"Internal Economy Com. Report."

Private Bills, Irregularities, &c.—*See* "Order and Procedure" (above).

Reformatories. *See* "Youthful Offenders."

Rivers, Sawdust in. *See:*

"Fisheries Act Amt B."

Senate, Government Legislation, Amount of.

Remarks on 2nd R. of Electric Light Inspection B., 694.

Senate Officials. *See* "Internal Economy Com."

Senate, Speaker, Temporary, Provision for, B. (Q).

On M. (M. Angers) for 2nd R.: constitutionality of B. questioned, 260.

Session, Date of Calling.

Remarks on 2nd R. of Electric Light Inspection B., 695.

Steamer, First that Crossed Atlantic, Commemoration. *See* "Library Committee Report."

Sunday Observance B. *See* "Lord's Day."

Trust Corporation of Canada Incorp. B. (D).

On M. (Mr. Lougheed) for 2nd R.: that the name of Co. (as first proposed) is objectionable, 156.

Reported from Banking Com., with name changed as above, 250.

On M. (Mr. Lougheed) for adoption Standing Orders Com. Report: on Mr. Power's remarks: clerical errors, 265; on change of name of Co., 265.

On proposed Amt. (Mr. Power) to change name to "Alberta Trust and Guarantee Co.," 274.

On Order for consideration of Amts: postponement *m.*, 521.

Western Canada Trust and Guarantee Co. *See* "Trust Corporation of Canada, B."

Witnesses, Parliamentary, B. *See* "Parliamentary."

Youthful Offenders, Arrest, Trial and Imprisonment; B. (Y).

Introduced*, 277.

2nd R. *m.*, by consent (not being printed in French), 300; principle of B. explained, 301-2-3-4; allusion to ques. of giving of paroling power to Provincial Govt., 304; reply to Mr. Boucherville, Aid Societies only in Ont., 305; to Mr. Dickey, reasons for amending the Criminal Code, 306.

In Com. of the W.—On 1st cl.: substitution of age 16 for 17 *m.*, 348.

On 2nd cl.: suggestion of Mr. Power, to alter wording, to obviate putting up separate buildings, accepted, 348; Mr. Vidal's, to substitute "with" for "used for," 349.

On 4th cl.: Children's Aid Societies, in Ont. only, 349; reply to Mr. Drummond, machinery under Ont. Act, 349; substitution of "shall" for "may" *m.*, 349.

**ALLAN, Hon. George William—*Contd.***

Youthful Offenders, Arrest, Etc.—*Contd.*

On sub-cl. *a* : addition *m.*, respecting foster homes, 349 ; reply to Mr. Sanford : binding out until 21 not obligatory, 349.
3rd R. *m.**, 360.
Remarks on this B., in Com. on "N.B., Juvenile Offenders, B.," 565.

Youthful Offenders in N. B., Bill. *See* "N.B."

**ALMON, Hon. William J.**

Ballot, Election by. *See :*
"N.W.T. Representation Act Amt. B."

Bribed Voters, Disfranchisement B. *See* "Voters."

Canadian Pacific Ry., Freight Rates.

On M. (Mr. Boulton) for schedule, and on Mr. Power's speech : Halifax instead of Portland as terminus ; transfer of I.C.R. to C.P.R., 142.

Carvell, the Hon. Senator.

Remarks on the death of, 6.

Combinations in restraint of Trade B. *See* "Trade."

Dillon Divorce B. (T).

On M. (Mr. Clemow) for 2nd R., and Amt. (Mr. Bellerose), six months' "hoist," both parties being Roman Catholics, 300.
On ques. (Mr. Power), position on Order paper of consideration of Report and Minority Report : that its settlement should be hastened, race and religious questions deplored, 384.
On Com. Report in favour of B., and Minority Report (Mr. Kaulbach).—Comment on Mr. Power's speech : on facts of case, 404.
On M. (Mr. O'Donohoe) to re-commit Report : on procedure, 432 ; on the evidence, 459.
On M. (Mr. Clemow) for adoption of Com. Report : that vote be taken now, 614.

Election by Ballot. *See :*
"N. W. T. Representation Act Amt. B."

Inspection of Ships Act Amt. ; provisions extended to all ships ; B. (113).
On M. (Mr. Bowell) for 2nd R. : ques., inspection of Foreign men-of-war, 465 ; of British, 465.

Intercolonial Ry., transfer to C.P.R. Co.

Remarks on M. (Mr. Boulton) for Schedule of C. P.R. freight rates, 142.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R. to-morrow (14th June) : that six months' "hoist" will be *m.*, 528.
On M. (Mr. Allan) for 2nd R. : Amt. *m.*, as above, 566-7. Comment on Mr. Scott's speech : Provincial Sunday law, 568 ; in N.S., 568. On Mr. Prowse's : effect of throwing out B., 572.

Manitoba and N.W. School question.

On M. (Mr. Bernier) for ordinances, Orders in Council, &c. On Mr. Ferguson's (P.E.I.) speech : ques. as to P.E.I. Act, 183.
M. (Mr. Bellerose) to print Petition of Quebec Bishops, *seconded*, 332.

N.W. Mounted Police Acts consolid. B. (121).

In Com. of the W.—On cl. 4 : that pay of Policemen should be increased, 645.

**ALMON, Hon. William J.—*Continued.***

North-west Terries. representation Act Amt. : elections by ballot ; B. (5).
On M. (Mr. Angers) for 2nd R. : ballot system opposed ; disfranchisement of Dom. officials in N.S. elections, &c., 462. Comments on Mr. Power's speech, 462.
In Com. of the W.—On cl. 6 : on ques. whether ballot system petitioned for, 486 ; further remarks on the ballot in N.S., 486.
On inefficacy of ballot voting, see also remarks on "Voters, bribed, disfranchisement," B. 498.

Nova Scotia, the ballot in—*See* debate on : "N.W.T. Representation Act Amt. B." (above).

Order and Procedure, questions of.

*Division demanded.*—Objection to passing of Trade, combinations in restraint of, B. : division demanded, Mr. Murphy joining in demand, 461.

*Divorce Procedure.*—Remarks on proposed "hoist" Amt. (Mr. Bellerose) to B. where both parties are R. Catholics (Dillon case), 300.

On ques. of position on Order paper of consideration of Com. Report ; that a settlement should be hastened, race and religious questions deplored, 384.

*Petition, printing of.*—On ques. of printing, or referring to Printing Com. in usual course, the Petition of Quebec Bishops respecting N.W.T. School laws : held that a petition by people of such importance should be printed ; Mr. Bellerose's M. therefor, seconded, 332.

P. E. I. Schools Act.

Ques., in debate on Man. and N. W. Schools question, 183.

Senate, Bills of Liberal Govt. amd. in.

Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B., 353.

Senate, the usefulness of, &c.

On remarks of Mr. Read (Quinté), in *m.* 2nd R. of Trade Combines B., newspaper comments on Mr. Eddy's rumoured appointment to Senate, 351.

Ships, inspection of, B. *See* "Inspection."

Sunday observance B. *See* "Lord's Day."

Trade, combinations in restraint of, B. (AA).

On M. (Mr. Read, Quinté) for 2nd R.—On his remarks, newspaper comment on Mr. Eddy's rumoured appointment to Senate, 351 ; Bs. amd. in Senate during Liberal régime, 353 ; the undertakers' combine, 355, 356.
On M. (Mr. Read) for 3rd R., postponement for further discussion requested ; ques. of medical tariffs, 460.
Six months' "hoist" *m.*, 460.
*M.* that B. do not pass, 461 ; division demanded, 461.

Undertakers' combine.

Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B., 355, 356.

Voters who have taken bribes, disfranchisement, B (6).

On M. (Mr. Dickey) for 2nd R.—Inefficacy of ballot voting ; on features of present B., 498. Comment on Mr. McKay's speech ; lawyers soulless, 499.

## ANGERS, Hon. Auguste Réal.

ABERDEEN, HIS EX. THE EARL OF.
Remarks of welcome, in debate on the Address, 62.

ADDRESS IN ANSWER TO SPEECH FROM THE THRONE.
On M. (Mr. Ferguson, P.E.I.) for: On Mr. McInnes's (B.C.) speech: ballot for N.W.T., 543.
On the Address: Compliments to mover and seconder, 61-2; to His Ex. the Earl of Aberdeen, 62; Behring Sea award, 62-64; P.E.I., state of trade, &c., 64; Canada and the U. S. depression, exports to England, &c., 65-6; annexation spirit and Quebec loyalty, 66; increased ocean communication and St. Lawrence navigation, 66-7.
On Mr. Boulton's speech: ques., 77.
On Mr. Macdonald's (B.C.): increased ocean communication, 83.

ADJOURNMENTS—*See* "Senate, adjournment of."

ANNEXATION SPIRIT, NOT IN QUEBEC.
Remarks, in debate on the Address, 66.

ATLANTIC MAIL SERVICE. *See* "Ocean steam communication, increased."

AUDIT ACT. *See* "Revenue and Audit Act."

BALLOT, DOMINION, NEW FORM OF. *See* "Dominion Elections Act Amt. B."

BALLOT FOR N.W.T.
Reply to Mr. McInnes (B.C.) in debate on the Address, 54.
*See* also "N.W T. Representation Act Amt. B."

BEHRING SEA AWARD.
In debate on the Address, 62–3–4.

BRITISH COLUMBIA, INTEREST RATE. *See* "Interest."

——— JUDGES. *See* "Judges."

CABINET, SIR F. SMITH'S DIFFERENCE OF OPINION. *See* "Insurance Act Amt. B."

CERTIFICATES, B. *See* "Masters and Mates."

CHAFFERS, HON. SENATOR.
Decease announced; eulogy, 743.

CIVIL SERVICE ACT AMT.; appointments prior to 1882; B. (154).
Introduced*, 687.
2nd R. *m.**, 691.
3rd R. *m.**, 702.

COAL OIL. *See* "Petroleum Inspection Act."

COMMON SCHOOL FUND; payments to Ont. and Que. authorized; B. (151).
Introduced*, 664.
2nd R. *m.**, 679.
3rd R. *m.**, 679.

COMPANIES, JOINT STOCK, NEW REGNS. *See* "Joint Stock."

CONSOLID. REVENUE AND AUDIT ACT. *See* "Revenue."

CONTINGT. ACCTS. *See* "Internal Economy Com."

CRIMINAL CODE, 1892, AMT. B. (126).
Introduced*, 692.
2nd R. *m.**, 704.
In Com. of the W.—On the schedule: Amt. (Mr. Power) to strike out 549*a*, option of jury trial, not opposed, 748-9.
On sect. 662: in debate on grand jury panel, 749, 751.
On sect. 871: replies on increase of constable's fees, 751.

## ANGERS, Hon. Auguste Réal—*Continued.*

CRIMINAL CODE—*Continued.*
3rd R. *m.*, with explanation on grand jury panel and constable's fees, 751-2; in debate on grand jury, 751-2-3.

CRIMINAL LAW, ADMINISTRATION OF.
Death sentence commuted, two B.C. Indians; on M. (Mr. McInnes, B.C.) for Petitions, Orders in Council, &c.: explanation of the case; papers will be brought down, 202-3-4-5.
Reply to Inqy. for the papers (Mr. McInnes, B.C.): Return is being prepared, 348.
——— *See* "Criminal Code Amt. B." (above).
——— *See* "Ont. Houses of Refuge for Females B."

CULLERS' ACT, AMT. OF WORDING; B. (124).
Introduced*, 635.
2nd R. *m.** 635.
In Com. of the W.—Change in wording explained, 686.
3rd R. *m.**, 686.

CURRENCY ISSUE. *See* "Dom. Notes Act Amt."

CUSTOMS SEIZURES AND PROCEDURE. *See* "Revenue Act Amt."

DEATH SENTENCE, COMMUTED. *See* "Criminal Law."

DILLON, JAMES ST. G., DIVORCE B. (T.)
On Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence. Comment on Mr. Scott's speech: on facts of the case, 392. On Mr. Ogilvie's: Heward case, race and creed of parties, 394. On Mr. McInnes's (B.C.): questioning respondent, occasion for, 397.
On M. (Mr. O'Donohoe) to re-commit report for further evidence. In resumed debate, on ques. of Order, M. not appearing on Order paper, 432-3.
On Notice of M. for future reconsideration of Com. Report: that another Notice should be given, 482.
On M. (Mr. Clemow) to restore Report to Order paper: that Minority Report should be restored also, 514; further, on the procedure, 515, 516, 518.
On M. (Mr. Scott) for three months "hoist": on the procedure, 520.

DOMINION ELECTIONS ACT AMT.; polling days in certain districts; new form of ballot, &c.; B. (128).
On receipt from Commons and 1st R., Suspension of Rules, and 2nd R. *m.*, and B. explained, 864.
In Com. of the W.—On cl. 1: to Mr. Power, explanation of exceptional districts, 869.
3rd R. *m.* *, 869.

DOMINION FRANCHISE ACT. *See* "Franchise."

DOMINION LANDS; SETTLERS ON SCHOOL LANDS, confirmed; selection of other school lands; B. (160).
Introduced *, 774.
2nd R. *m.* and B. explained, 798. On Mr. Lougheed's suggestion to enlarge the B., 799; reply to Mr. Power, 799.
3rd R. *m.* *, 799.
———*See also* "Land in Terries. B."

DOMINION NOTES ACT AMT.; increased currency issue; B. (165).
Introduced *, 840.
(2nd R., in Com. and 3rd R., by Mr. Bowell, 854, 860).

**ANGERS, Hon. Auguste Réal**—*Continued.*

Elections Act Amt. *See* "Dominion Elections."

Elections by Ballot. *See* "N. W. T."

Electric Light, Inspection of, B. (118).
(Introduced by Mr. Bowell*, 676).
2nd R. *m.*, 693. Reply to Mr. Scott: amount of legislation in Senate, 694; lateness of session, 695. To Mr. Clemow: B. cannot be withdrawn, 695. Further on date of session, and legislation in Senate, 696, 697.
In Com. of the W.—Similar laws in England and U. S., explained, 741; replies to different Senators thereon, 741-2.
On cl. 3: explanations, 743.
On cl. 5: further explanations, 743.
Again in Com.—On cl. 4: to Mr. Drummond, variation of pressure, 745; to Mr. Lougheed, 746.
Cl. 7 explained, 746.
On cl. 12: Amt. *m.*, qualifying examination, 746; addition thereto (Mr. Power) accepted, 746.
On cl. 15: Amt. (Mr. Drummond), optional, accepted, 746.
On cl. 16: explanation of measuring, 746.
On cl. 19: Amt. *m.*, verification of meter, 747.
(3rd R., *m.* by Mr. Bowell*, 751).

Electrical Measure, Units of; B. (117).
(Introduced by Mr. Bowell *, 639).
2nd R. *m.*, with remark, 699.
In Com. of the W.—The B. explained, 863.
3rd R. *m.* *, 864.

Evidence of Parliamentary Witnesses. *See*: "Parliamentary Witnesses Oaths Act, 1894."

Exports. *See* "Tariff and trade matters."

Females, Refuges for. *See* "Ontario."

Fisheries Act Amt.; numerous offences and penalties defined; B. (145).
Introduced*, 692.
2nd R. *m.*, 704.
In Com. of the W.—The B. explained; lobsters, salmon drifting, lifting nets on Sunday, &c., 705. To Mr. Kaulbach, killing by explosives, 706; further, 706. To Mr. Macdonald (B.C.), application beyond 3-mile limit, 706.
On cl. 3: on proposed Amt. (Mr. Power), registration of boats, 707.
On cl. 5: on proposed Amt. (Mr. Power) stamping of lobster cases, 708.
On sub-cl. 5: replies to Mr. Power, false labels, 709; to Mr. Kaulbach, 709.
On sub.-cl. 10: to Mr. Power, on re-packing, 710; to Mr. Allan, 710; to Mr. Reesor, presence of Inspector, 711; re-inspection, 711; date, 712; to Mr. Power, Inspector's presence, 713; further, 713; to Mr. Primrose, 713; to Mr. Lougheed, re-packing, 713.
On sub-cl. 11: to Mr. Power, inspection, 714; further, 714.
On cl. 4: to several Senators, tidal waters and Sunday fishing, 717-18-19; cl. reserved, 719, 720.
On cl. 6: on proposed Amt. (Mr. Clemow) sawdust proviso, 721-2-3; that cl. and Amt. may stand, 725.
Again in Com.—Amd. cl. 14 *m.*, Sunday fish-trapping, 727; in debate thereon, 727-8-9.
On Mr. Clemow's proposed sawdust Amt., 729, 730, 731, 733-4-5.
On cl. 8: replies to Mr. Power, confiscations, 736-7.
On cl. 9: in debate on penalties, 737-8-9; modification of sub-section 7 proposed, 739; in further debate, 739, 740; that the sub-section be

**ANGERS, Hon. Auguste Réal**—*Continued.*

Fisheries Act Amt.—*Continued.*
left out, 740. To Mr. Power, that cl. 8 must remain, 740. To Mr. Clemow, further on penalties, 740.
3rd R. *m.*, 744. Amt. (Mr. Power) new sub.-cl. 5 of cl. 3, stamping of lobster cases, accepted, 745.
Amt. (Mr. Power) to strike out cl. 8, not accepted, 745.

Fishery, Seal. *See* "Behring Sea."

France, Treaty with, ratification of B. (147).
On Inqy. (Mr. Boulton) whether most-favoured nation cl. will not preclude Intercolonial preferences, 672; on ques. of his speech being in order, 674.
B. (147) introduced*, 725.
2nd R. *m.* and B. explained, 754-5-6-7-8-9, 760. Comments on Mr. Scott's speech, 763, 4-5-6.
On Amt (Mr. Boulton) to return Treaty for further negotiations. Comments on his speech, 767, 769, 770, 773-4. On Mr. Kaulbach's, 780. On Mr. Dever's, 782. On Mr. Drummond's, 786. On Mr. Burns's, 787, 790. Mr. Boulton's further speech on his Amt. objected to, 791. Comments on Mr. Power's speech, 792.
Amt. being lost: suggestion that Mr. McCallum defer speech, 795.
In Com. of the W.—On schedule A: reply to Mr. Power, 824; to Mr. Scott, 824; to Mr. McCallum, 824; to Mr. Dever, 824; to Mr. McCallum, 824-5.
3rd R. *m.*, 840. Comments on Mr. Tassé's speech, 843-49.

Fraudulent Sale or Marking (white lead, Paris green, &c.); restraint of; B. (123).
Introduced*, 686.
2nd R. *m.*; that honey will be excluded from B.; reply to Mr. Kaulbach thereon, 699.
In Com. of the W.—On schedule: Amt. *m.*, to strike out honey, 799.
On Mr. Kaulbach's suggestions: Amt. *m.*, as to penalty, 799.
3rd R. *m.**, 800.

French Translators, additional.
On M. (Mr. McKay) for adoption of Internal Economy Com. Report, and Mr. Power's objection, that Report restricting translators to Bs., does not embody Com.'s recommendation, 250; Report should be adopted meantime, 250.

General Inspection Act Amt. B. *See* "Inspection."

Glasier, the Hon. Senator.
Decease of, announced; eulogy, 679.

Grand Jury system. *See* debate on:
"Criminal Code Amt. B."

Hay, Inspection of. *See*:
"Inspection, General, Act, Amt. B."

Homestead Exemption Act Repeal B. (104).
Introduced*, 615.
2nd R. *m.*, 620; to Mr. Power, repeal, in view of law of N.W.T., which explained, 620.
3rd R.*, 627.

Honey, fraudulent marking of. *See*:
"Fraudulent Sale or Marking B."

Hudson Bay, feasibility of route.
On attention called to subject (Mr. Ferguson, Niagara), with inqy. whether any reports since 1887: reply, 220; no later reports, except one on James' Bay, 221.

ANGERS, Hon. Auguste Réal—*Continued.*

Hudson Bay—*Continued.*

On Mr. Power's remarks: that inqy. was a very proper one, 222.

Hudson Bay Ry., construction of, B. (—).

On introduction (Mr. Boulton): ques. of Order, B. involves taxation; can only be introduced with Crown's sanction, and in Commons, 272; publication in Debates also objected to, 272; to Mr. Power, speech should appear, not B., 272; to the Speaker, decision asked, 272.

——— ———construction by Man. and N.W.T. Govts., B. (BB).

On M. (Mr. Boulton) for 2nd R.: objection taken to his reading the B. at length, 475; ques. of relevancy of his remarks on price of shingles, 473; Massey binders not paid for in N.W.T., 474.

Indians, Sault St. Louis Seigniory. *See* "Sault St. Louis."

Indians, two, death penalty commuted. *See:* "Justice, Administration of."

Inland Revenue Act further Amt. B. (158).

Introduced*, 825.

(2nd R., in Com. and 3rd R., by Mr. Bowell, 852–4.)

Insolvency Act, 1894, B. (C).

M. for printing of 1,000 additional French copies, 308.

In Com. of the W.—On M. (Mr. Bowell) for new 3rd cl., B. to apply only to traders as here defined: definition, when farmer becomes a trader, 589.

Inspection, General, Act, Amt.; hay, inspection of; B. (125).

In Com. of the W.; a definition "Marsh grass" suggested, 493.

Inspection of Electric Light B. *See* "Electric."

Inspection of Lobsters. *See* "Fisheries Act Amt."

Inspection of Petroleum Act. *See* "Petroleum."

Inspection of Steamboats Act. *See* "Steamboat."

Insurance Act Amt. B. (V).

Introduced; will be explained when printed, 251.

2nd R. *m.* and B. explained, 289, 292, 293. On Mr. Scott's speech: comments, 296. Further explanations of B., 298–9.

In Com. of the W.—On 5th cl.: Amt. *m.* to 3rd sub-section; also Mr. Vidal's Amt., Cos. having two chief agencies, 328. On Mr. Vidal's proposal to add cl. to relieve Cos. from penalties, whose reports are signed by secretary, 329; replies to Messrs. Vidal and Scott, 329.

On sub-sect. 5: Amt. (Mr. Pelletier) extending time for reports, accepted, 329.

On sect. 10: addl. sub-sect. *m.*, renewal of licenses, 329.

Sect. 13: *m.* to add, providing for an error in age, 330.

On Mr. Scott's suggestion, explanation of "premiums," 330; Mr. Power's suggestion, to add "*intra vires*," accepted, 330.

M. that Com. report progress, 330.

Again in Com., on sub-sect. 5: Amt. *m.*, extending time for reports, 333.

3rd sub-sect., provisions made by local legislatures: M. to drop, 333.

3rd R. *m.**, 348.

ANGERS, Hon. Auguste Réal—*Continued.*

Insurance Act Amt.—*Continued.*

On Message with Commons Amts. Proposal to extend list of investmests authorized for Cos., 823.

Commons Amts., concurrence *m.*; above proposal dropped, with explanation, 825.

On Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to insert cl. *d* in the B: explanation of above withdrawal of proposed Amt., 835; on the cl. generally, 835; to Mr. MacInnes, the Canada Life Co., &c., 835. Refusal to withdraw the cl. inserted by Commons, 836. On Sir F. Smith's explanation of his differing from colleagues, 838.

Intercolonial Conference.

Reference to, on Mr. Boulton's Inqy. *re* French Treaty, 672.

Interest Law Amt.; rate in B.C.; B (129).

On M. (Mr. Bowell) for 2nd R.; on Mr. Scott's ques.: rights of Provinces not interfered with, 636.

In Com. of the W.—On cl. 4: reply to Mr. Power, defining what a judgment is, 660.

Internal Economy Com., reports of.

French Translators, additional. On M. (Mr. McKay) for adoption, and Mr. Power's objection, that Report, restricting translators to Bs., does not embody Com.'s recommendation, 250; that this Report should be adopted meantime, 250.

3rd Report: on supervision of Messengers by Serjt.-at-Arms, 652, 658; on cl. directing officers to report one another, 652.

4th Report: clerical error (Postmaster's salary) pointed out, 681.

Irrigation, N. W. Terries., B. *See* "N.W.T."

Joint Stock Cos., Incorp., &c., new Regulations; B. (EE).

In Com. of the W.—On cl. 81: on Mr. Power's speech, process of serving notice on Cos. in Quebec, 582.

Judges' appointments in N.W.T. *See:* "N.W.T. Act Amt. B."

Judges, Provincial Courts, Salaries, changes in; B. (155).

Introduced*, 687.

2nd R. *m.*; Acting Chief Justice, Que.; addl. Judge, B.C., 691.

In Com of the W.—On cl. 2: to Mr. Kaulbach, addl. Judge, B.C., 702; to Mr. Dever, Judge's salary at St. John; to Mr. Power, salaries generally, 704.

3rd R. *m.**, 704.

Jury system (Grand). *See:* "Criminal Code Amt. B."

Justice, Administration, of.

Death Sentence commuted, two B.C. Indians. On M. (Mr. McInnes, B.C.) for Petitions, Orders in Council, &c.: explanation of the case; papers will be brought down, 202–3–4–5.

Reply to Inqy. for the papers (Mr. McInnes, B.C.): Return is being prepared, 348.

——— *See* "Criminal Code, 1892, Amt. B."

——— *See* "Fisheries Act Amt. B." (penalities).

——— *See* "Homestead Exemption Act Repeal B."

——— *See* "Judges' salaries B."

——— *See* "N.W.T. Act Amt. B."

**ANGERS, Hon. Auguste Réal**—*Continued.*

Justice. *See* "Ont. Houses of Refuge for Females B."

Land in Terries. Acts consolid. B. (HH).
Introduced, 629. To Mr. Lougheed: copies of B. sent to judges in N.W.T., &c., 629.
2nd R. *m.**, 635.
In Com. of the W.; general remarks, 675.
On cl. 2: replies to Mr. Power, mineral lands, 675; to Mr. Lougheed, 675.
On cl. 5: explanation, 675; to Mr. Scott, power of executor, 676; to Mr. Lougheed, 676.
On cl. 23: to Mr. Power, Department in charge, 676.
On cl. 56, sub-sect. *d*: to Mr. Lougheed, registration of leases, 676.
Again in Com.—On cl. 89: on Mr. Scott's suggestion (limitation of winding-up time) that the cl. stand, 677.
On cl. 92: to Mr. Power, sub-sect. 3 is new, 677.
On cl. 94: to Mr. Scott, registration, 678; to Mr. Power, 678; to Mr. Kirchhoffer, 678; to Mr. Lougheed, 678.
On cl. 99: Mr. Lougheed's Amt., caveat powers, accepted, 678.
On sub-sect. 6: to Mr. Lougheed, caveat limitations, 678–9.
Again in Com.—On cl. 89: that it be now adopted, 681.
On cl. 92: that sub-sect. 3 be now struck out, 681.
3rd R. *m.**, 681.

——— *See also* "Dominion Lands Act" (School lands).

Lands, B. affecting. *See also:*
"Homestead Exemption Act, Repeal B."

Legislation, amount of, in Senate.
In debate on Electric Light Inspection B., 694, 696.

Lord's Day better observance B. (2).
On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist"; comment on Mr. McCallum's speech: sailors drinking, 569.

Mails, improper use of. *See* "Post Office Act Amt."

Manitoba and N.W.T. Schools question.
On M. (Mr. Bernier) for ordinances, Orders in Council, &c.: on the constitutional ques., 166; Govt. assents to the M., 167.
Reply to Inqy. (Mr. Bernier): no opportunity yet for reply to be given by Govt. of N.W.T. to recommendation from Dom. Govt. that School Ordinances be reviewed and amd., 332.
On attention called (Mr. Bernier) to the question, with his further information and remarks: course that Govt. will pursue stated, 856.

Manitoba School lands, B. *See:*
"Dominion Lands Act."

Marking, Fraudulent, B. *See* "Fraudulent."

Marking of lobster cases. *See* "Fisheries Act Amt."

Masters' and Mates' certificates; extension of rights to British sailors; B. (130).
(Introduced and 2nd R. *m.* by Mr. Bowell, 635, 638-9).
In Com. of the W.—On cl. 8: to Mr. Power, scale of fees, 677.
3rd R.*, 677.

Messengers, Senate. *See* "Senate."

**ANGERS, Hon. Auguste Réal**—*Continued.*

Montreal Harbour Commissrs. Acts consolid. B. (S).
In Com. of the W.—On cl. 26: Mr. Power's suggestion, to insert after subsect. *v*, the power of fixing of Commissioners' salaries, is only a repetition, 318.
On M. (Mr. Bowell) for concurrence in Commons Amts.; on Mr. DeBoucherville's ques., control of river in winter, 628.

Mounted Police B. *See* "N. W. M. Police."

Musquodoboit Valley Ry.
Reply to Inqy. (Mr. Power): that his plea for subsidy will be duly considered, 644.

North Shore Ry. subsidy. *See* "Quebec."

N. W. M. Police Acts consolid. B. (121).
In Com. of the W.; B. explained, 645.
On cl. 4: reply to Mr. Almon, pay of constables, 646; to Mr. Power, duties of comptroller, 646; of commissioner, 646-7.
On cl. 5: to Mr. Scott, number of vet. surgeons, 647, 648: to Mr. Kaulbach, strength of Force, 647.
On cl. 6: to Mr. Power, Force cannot be reduced; its duties, 647.
On cl. 9: constables' powers in other Provs., 648.
3rd R. *m.*, number of vet. surgeons given, 674.

N.W. Ter. Act, several Amts.; B. (149).
Introduced*, 825.
2nd R. *m.**, 854.
In Com. of the W.—On cl. 2: to Mr. Power, number of Judges, 858; sitting in review, 858; Amt. *m.*, presence necessary for quorum, 859.
On cl. 16: Amt. *m.*, increased duration not to affect present Assembly, 859.
On cl. 17: Amt. *m.*, to add 3rd sub-sect., vacancies in Executive Com., 859; reply to Mr. Power, 859.
Suspension of Rule, and
3rd R. *m.**, 859.

N.W.T., Ballot for.
Reply to Mr. McInnes (B.C.), in debate on the Address, 54.

N.W.T. Irrigation B. (134).
Introduced*, 676.
2nd R. *m.* and B. explained, 679.
In Com. of the W.—General remarks, 681; to Mr. Scott, private rights, 681.
On cl. 4: to Mr. Bernier, owner's rights, 682; water tariff, 682; marsh lands, 683; to Mr. Kaulbach, damages, 683.
On cl. 6: to Mr. Loughead, swamp lands, 684; to Mr. Power, swamp rights, 683, 684; further, 864.
On cl. 8: to Mr. Lougheed, cls. clashing, 685; Amt. (Mr. Power) excepting applications under cl. 7, accepted, 785.
On cl. 12: to Mr. Lougheed, engineer, 685; companies selling water, 686.
On cl. 29: to Mr. Lougheed, prices, 686.
3rd R. *m.**, 686.

N.W.T. Land in, B. *See* "Land."

N.W.T., Representation Act Amt.; ballot voting, provision for; B. (5).
Introduced*, 426.
2nd R. *m.* and B. explained, 461.
M. into Com. of the W., 486.
In Com.—On cl. 3: to Mr. Power, provision for ballot-voting is made by enacting section in the Dom. Act, 486.

**ANGERS, Hon. Auguste Réal**—*Continued.*

N.W.T., Representation Act Amt.—*Continued.*

On cl. 6: to Mr. Almon, the ballot has been petitioned for, 486; further, 486. To Mr. Power, sect. 29 of Dom. Elections Act suffices, 486.
On cl. 7: Amt. *m.*, applications for recounts, 486.
Again in Com.—Amt. may be required, doubt existing as to possibility of dual representation; requested that progress be reported, 497.
Again in Com.—Amt. *m.*, to add to sect. 18, subsect. against dual representation, 614. Reply to Mr. Power: mode prescribed for resigning seat in local legislature, 614; further, to Mr. Power, 615; to Mr. Kaulbach, 615.
Concurrence *m.*, in Amts. of Com. of the W.*, 620.
3rd R. *m.**, 620.

N.W.T. (and Man.) School question.

On M. (Mr. Bernier) for Ordinances, Orders in Council, &c.: on the constitutional ques., 166; Govt. assents to the M., 167.
Reply to Inqy. (Mr. Bernier): no opportunity yet, for reply to be given by Govt. of N.W.T. to recommendation from Dom. Govt. that School Ordinances be reviewed and amd, 332.

Northumberland Straits Tunnel Scheme. *See* "P.E.I."

Notes, Dominion Issue of. *See* "Dominion."

Oaths, Parliamentary Witnesses. *See:*
"Parliamentary Witnesses Oath Act, 1894."

Ocean Steamship Communication, Increased.

Remarks, in debate on the Address, 66-7. On remarks of Mr. Macdonald (B.C.), 83.
*See also* "Hudson Bay Route."
*Also* the following:—

Ocean Steamship Subsidies B. (161).

Introduced*, 774.
2nd R. *m.*, 800. B. explained; fast Atlantic line; Pacific line negotiations, &c., 800, 801. Comments on Mr. Scott's speech, 802-3-4. On Mr. Clemow's, 807. On Mr. Power's, 809. Tabling of papers, 810, 814. Further explanation of papers brought down, and reply to Mr. Power, 814, 815. Comment on Mr. Snowball's speech, 819. On Mr. Drummond's, 821.
Suspension of Rule, and
3rd R. *m.*, 822. Further explanation as to papers tabled, 823.

Ont. Houses of Refuge for Females B. (II).

Introduced and explained, 631. To Mr. Kaulbach: regardless of age, 631.
2nd R. *m.**, 632.
In Com. of the W.—To Mr. Scott: same as Ontario Statute, 645.
3rd R. *m.**, 645.

Ont. School Fund. *See* "Common School Fund B."

Order and Procedure, Questions of.

*Bill, Com. of W. same as 2nd R.* On Mr. Power's objection to this procedure (Parly. Witnesses Oath Act, 1894); readiness to accept his Amts. as proposed at 2nd R., explained, 365.

*Bill involving taxation.* Ques. of Order. Hudson Bay Ry. construction B. (Mr. Boulton), introduction objected to; involving taxation, can only be introduced with Crown's sanction, and in Commons, 272.

**ANGERS, Hon. Auguste Réal**—*Continued.*

Order and Procedure—*Continued.*

*Bill, irregular, Publication of.* That Mr. Boulton's B., Hudson Bay Ry. construction, cannot appear in Debates, 272; his speech only, not the B., 272.

*Bill, reading, at length.* Objection taken to Mr. Boulton reading his Hudson Bay Ry. construction B. at length (for its publication in Debates) on his *m.* 2nd R., 469.

*Cabinet, Difference of opinion in.* Refusal of Govt. to withdraw cl. of Insurance B., 836. Comment on Sir F. Smith's explanation of his disagreement thereon, 838.

*Committee, Report, restoration of Orders.* That the Minority Report should be included; further remarks on the procedure (Dillon case) 514-5-6-8.

*Constitutional Questions, remarks on.* Man. School question, 166-7. Executive clemency, 202-3-4-5. Senate, Speaker, temporary, provision for, B., 262-3, 266; Interest rate, Amt. of law, B.C., 636.

*Correspondence, tabling of.* Discussion with Mr. Power, as to papers tabled *re* fast Atlantic service, 810, 814, 815, 823.

*Debate, reference to motives.* On Mr. Power's remarks that certain Senators came for special purpose of speaking on French Treaty, 787.

*Debate, relevancy of remarks.* Ques. of relevancy of Mr. Boulton's remarks on price of shingles to his Hudson Bay Ry. B., on his *m.* the 2nd R., 473.

*Divorce procedure.* See the debate on "Dillon Divorce case" (above).

*Motion, postponement of.* For reconsideration of Com. Report (Dillon Divorce case); that new Notice should be given, 482.

*Senate, Legislation, amount of.* Remarks in debate on Electric Light B., 694, 696.

*Session, date of calling.* In same debate, 694, 696, 697.

*Speech, on Inqy.* That objection might have been taken to Mr. Boulton's lengthy speech (upon an Inqy.) discussing French Treaty B., not yet before House, 672; further thereon, 674.

*Speech, second, objected to.* Mr. Boulton's attempt to speak twice to his Amt. to French Treaty B., 791.

Parliamentary Witnesses Oath Act, 1894; B. (90).

Introduced *, 364.
2nd R. *m.*, 364.
M. into Com. of the W., 364. On Mr. Power's objection, on same day as 2nd R., readiness to accept his proposed Amts. explained, 365.
In Com. of the W.—Verbal Amts. (Mr. Power) accepted, 355.
Amts. of Com. of the W., concurrence *m.*, 407. Reply to Mr. Power's remarks as to B. conflicting with chap. 11 of Revised Statutes, 408; further, 408.
3rd R. *m.* *, 408.

Peter and Jack, death sentence commuted. *See:*
"Justice, administration of."

Petroleum Inspection Act Amt. B. (122).

Introduced *, 687.
2nd R. *m.*, 689; reply to Mr. Power, lowering of flash test, 689; to Mr. Dever, on the same, 689; further, 689; to Mr. Power, 690: to Mr. Dever, 690, 691.

ANGERS, Hon. Auguste Réal—*Continued.*

Petroleum Inspection Act—*Continued.*

In Com. of the W.—On cl. 1: to Mr. Power, on above point, 701; further, 701.
On cl. 5: to Mr. Power, importation in tank steamers, 701-2.
3rd R. *m.* *, 702.

Post Office Act Amt.; letters sent in other mail matter, &c.; B. (JJ).
Introduced *, 692.
2nd R. *m.* *, 704.
3rd R. *m.* *, 705.

Prince Edwd. Island, Trade, state of.

In debate on the Address, 64.

Prince Edward Island Tunnel scheme.

On M. (Mr. Ferguson, P.E.I.) for reports of Sir D. Fox and Mr. Baine.—Request for Amt., to omit plans, 585.

Quebec, Acting Chief Justice. *See* "Judges."

Quebec, loyalty, spirit of.

Remarks, in debate on the Address, 66.

Quebec, School Fund. *See* "Common School Fund B."

Quebec; Subsidy for Ry. construction, Que. to Ottawa, payment authorized; B. (150).
Introduced*, 664.
2nd R. *m.*, 679.
3rd R. *m.*, 679.

Railway Subsidies, Prov. of Quebec. *See* "Quebec."

Railway subsidy, Musquodoboit Ry. *See* "Musquodoboit."

Reformatories, Female. *See* "Ontario."

Revenue and Audit Act Amt. B. (127).

In Com. of the W.—On 1st cl.: reply to Mr. Power, limitation, 660.

On sub-sect. 6: to Mr. Power, protection to seizing officer, 661; to Mr. Lougheed, definition of probable cause, 661-2, 662; on Canadian and English statutes, 662; discussion with Mr. Power on progress of tariff revision in U. S. and in Canada, 653; a frivolous Amt., 653; on a seizure case quoted by Mr. Dever, 664.

Rivers, saw-dust in. *See:*
"Fisheries Act Amt. B."

Roman Catholic Schools. *See:*
"Man. & N. W. T. Schools question."

St. Lawrence Navigation, improved.

Remarks, in debate on the Address, 66-7.

Sales, Fraudulent marks. *See:*
"Fisheries Act Amt. B." (lobster cases).
"Fraudulent sales or marking B."

Sault St. Louis Seigniory; settlement of claims, in interest of Indians; B. (97).
Introduced*, 635.
2nd R. *m.* and B. explained, 638.
3rd R.*, 664.

Saw-dust in Rivers. *See:*
"Fisheries Act Amt. B."

School Lands, Man. and Terries. *See:*
"Dominion Lands Act."

Schools, common, fund. *See:*
"Common Schools fund, B."

ANGERS, Hon. Auguste Réal—*Continued.*

Schools, Separate, question. *See:*
"Man. & N. W. T. Schools question."

Seal Fishery. *See* "Behring Sea."

Senate, adjournment of.

(Ascension Day) 2nd-4th May; M. for, 311. On Mr. Kaulbach's objection, without notice, 312. Amt. (Mr. Flint) adjt. 2nd-8th, objected to, 311. Reply to Mr. Scott's remarks that a M. to adjourn over a holiday is unnecessary, 311.

Senate and Commons Act. *See* "Sessional Indemnity."

Senate and Commons, Witnesses. *See* "Parly. witnesses."

Senate Legislation, amount of, &c.

In debate on Electric Light Inspection B., 694, 696.

Senate Messengers.

Supervision by Serjt.-at-Arms. Remarks on 3rd Report of Internal Economy Com., 652; replies to Mr. Dever, 658.

Senate, Officers, reporting one another.

Remarks on 3rd Report of Internal Economy Com., 652.

Senate, Speaker, Temporary, provision for; B. (Q).
Introduced and explained, 224.
2nd R. *m.*, further explained, 256. To Mr. Scott: wording of B., 257. To Mr. Lougheed: royal pleasure by proclamation, 262; further, on the constitutional power, 263; on Mr. Gowan's objection, 263. To Mr. Dickey: Imperial legislation when required, 263. To Mr. Gowan: Imperial law officers' opinion, 263.
In Com. of the W.—On 1st cl.: reply to Mr. Gowan's last ques.: B. will be sent to England, with copies of debates, 266.
On 2nd cl.: on Mr. Vidal's suggestion to strike out "unavoidable," 266.
On 4th cl.: proclamation at request of Imperial Govt., 266. To Mr. Power: on the wording, 266.

Senate, Translators, additional.

On M. (Mr. McKay) for adoption of Internal Economy Com. Report, and Mr. Power's objection, that Report restricting translators to Bs. does not embody Com's recommendation, 250; Report should be adopted meantime, 250.

Senators, Deceased.

(Chaffers, Hon. Mr.) Eulogy, 743.
(Glasier, Hon. Mr.) Eulogy, 679.

Serjeant-at-Arms, duties. *See* "Senate" (Messengers) above.

Session, date of Calling.

In debate on Electric Lights Inspection B., 694, 696, 697.

Sessional Indemnity, 12 days' absence not chargeable; B. (164).
On Message from Commons and 1st R.,
Suspension of Rule and
2nd R. *m.*, 838.
3rd R. *m.*, 838.

Ships, Masters and Mates' Certificates. *See* "Masters, &c."

Speaker, temporary, B. *See* "Senate" (above).

## ANGERS, Hon. Auguste Réal—*Concluded.*

STEAMBOAT INSPECTION ACT AMT. ; several exemptions ; B. (137).
(1st and 2nd R. *m.* by Mr. Bowell, 635, 637-8).
3rd R. *m.* *, 676.

STEAMSHIP COMMUNICATION. *See :*
"Ocean steam communication, increased."

SUBSIDIES, RY., QUEBEC, B. *See* "Quebec."

SUNDAY OBSERVANCE B. *See* "Lord's day."

TARIFF AND TRADE MATTERS.
In debate on the Address : P.E.I., state of trade, &c., 64 ; Canada and the U.S. depression, exports to England, &c., 65-6.
Discussion with Mr. Power (in Com. on Revenue Act Amt.) on tariff revision in U.S. and Canada, 663.
——— *See* also "France, Treaty with, ratification."
——— *Also* "Petroleum Inspection Act Amt. B." (importation in tank steamers).

TERRITORIES LAND ACT. *See* "Land."

TIMBER, CULLERS OF, B. *See* "Cullers."

TRANSLATORS. *See* "Senate, Translators."

TREATY WITH FRANCE. *See* "France."

U. S., ANNEXATION SPIRIT, NOT IN QUEBEC.
Remarks, in debate on the Address, 66.

U. S., BEHRING SEA AWARD. *See* "Behring Sea."

U. S., TARIFF REVISION.
Discussion with Mr. Power, in Com. on Revenue Act Amt. B., 663.

U. S., TRADE, STATE OF, &C.
Remarks, in debate on the Address, 65-6.

VOTERS' LISTS, REVISION. *See* "Franchise Act Amt."

WITNESSES, PARLIAMENTARY, OATHS B. *See :*
"Parliamentary Witnesses Oaths Act, 1894."

YORK, T. R. H. THE DUKE AND DUCHESS OF.
Birth of a son.—Reply to Inqy. (Mr. Read, Quinté) : That it is intended to pass an Address to the Queen, 693.
Birth of a son. M. for joint congratulatory address of Parlt. to the Queen, 725. M. for congratulatory address of Senate to T. R. H., 726 ; for address to His Ex., for transmission thereof, 726.

## ARMAND, Hon. Joseph F.

ABBOTT, THE HON. SIR J. CALDWELL.
Remarks on the death of, 6.

## BELLEROSE, Hon. Joseph Hyacinthe.

DEBATES COMMITTEE, REPORTS OF.
1st Report—Leave to withdraw requested, another being substituted, 253.
2nd Report—Adoption *m.* : to do away with unrevised edition ; charges for extra copies, 264. To Mr. Kaulbach : no more unrevised copies, 265. To Mr. Miller : Queen's Printer fixes charges, 265.

DILLON DIVORCE B. (T).
On M. (Mr. Clemow) for 2nd R. : objection taken to B., on ground that both parties are R. Catholics, 299 ; Amt. *m.*, six months' "hoist," 300. On the doubt expressed, as to their being R.C., Amt. *withdrawn*, 300.

## BELLEROSE, Hon. Joseph H.—*Continued.*

DILLON DIVORCE—*Continued.*
On Ms. (Messrs. Gowan and Kaulbach) postponement of consideration of Report of Com., and of Minority Report : held that the two should be discussed together, 350.
On consideration of Report of Com. in favour of the B., and Minority Report (Mr. Kaulbach) that questions had been ruled out and evidence excluded. Divorces to R. Catholics opposed ; English law discussed ; the law in Quebec ; facts of present case commented upon, 379, 380-1-2-3 ; further, in reply to Mr. Ogilvie, 383.
In resumed debate—On Mr. McInnes's (B.C.) speech : question as to church rites put in Piper case, 396.
To Mr. Boulton : ques. as to his church opposing divorce, 422 ; canons of Ch. of England on divorce quoted, 423.
On M. (Mr. O'Donohoe) to re-commit Report, for further evidence. In resumed debate, Ques. of order : this M. does not appear on Order paper, 431 ; Debates quoted, that this M. was put, 432 ; further, on the procedure, 432. On Mr. Poirier's speech : practice in England, 442 ; further, 442 ; comments on Mr. Vidal's speech, 445 ; Amt. (Mr. O'Donohoe) to re-commit Report for further evidence, supported, 445-8. On Mr. McInnes's speech, and the evidence, 454.
On M. (Mr. Clemow) to restore Report of Com. to Order paper ; Mr. Angers' contention supported, that Minority Report should be included in M., 517.
On M. (Mr. Clemow) for adoption of Com. Report : Amt. *m.*, to re-commit and strike out re-marriage cl. of B., 616 ; in debate thereon, 616, 618, 619.

INSOLVENCY ACT, 1894 ; B. (C).
In Com. of the W.—On remarks on Provincial laws : Quebec, insolvency under common law, 554.
Again in Com.—On cl. 3.—On Amt. (Mr. Power) B. not to apply to others than traders : on principle of the B. ; the Amt. supported, 562.
On cl. 61, claims based on notes : *m.* to restore (as cl. 61) cl. 62 of B. as originally introduced, 602-3.

INSURANCE ACT FURTHER AMT. B. (V).
On M. (Mr. Angers) for concurrence in Commons Amts., and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to insert cl. *d* of B., 835 ; further, 835.

LORD'S DAY BETTER OBSERVANCE B. (2).
On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist."—Provinces should provide such legislation ; the Amt. supported, 567. To Mr. Scott : constitutional ques. not raised, 568.

MAN. & N. W. T. SCHOOLS QUESTION.
On Ms. (Mr. Bernier) for Ordinances, Orders in Council, &c.—On Mr. Lougheed's speech : three questions as to school boards, 150. Adjt. of debate *m.*, 154.
In resumed debate : on the present Ms., and that on same subject (Mr. Bellerose) which was dropped ; on the constitutional points and the practical question, 156-7-8-9, 160-1, 162-3-4-5-6.
M. (Mr. Bellerose) on same subject, with Inqy. as to intentions of Govt. : remarks, and leave requested to drop the M., in view of the above debate, 112.

**BELLEROSE, Hon. Joseph H.**—*Concluded.*

Man. & N.W.T. Schools question—*Continued.*

On presentation (Mr. Bowell) of Petition from Quebec Bishops, in relation to School laws, N.W.T.: *m.* that petition be printed, 331, 332.

Montreal Island Belt Line Ry. Co's B. (59).

Introduced (in absence of Mr. Tassé) *, 513.
On M. (Mr. Tassé) for 2nd R., and debate thereon: that objections can be made in Com., 565.
M. for consideration of Amts. of Ry. Com., tomorrow, 604.

Sunday Observance B. *See* "Lord's day."

**BERNIER, Hon. Thomas Alfred.**

Address in Answer to Speech from the Throne.

On M. (Mr. Ferguson, P.E.I.) for: on the proposed insolvency law, 84-6.

Ballot, Vote by, opposed.

Remarks in Com. of the W., on N. W. T. Representation Act Amt. B., 486.

Dominion Gas and Electric Co. Incorp. B. (77).

Introduced *, 426.
2nd R. *m.* and B. explained, 480.
3rd R. *m.* *, 550.

Insolvency law, 1894, B. (C).

Remarks in debate on the Address, 84-6.
In Com. of the W.—Application of B. to farmers opposed, &c., 558-9.

Man. and N.W.T. Schools question.

Two Ms., for ordinances, Orders in Council, &c., 98. Remarks on constitutional points and the practical question, 99-108, 108-111. Comment on Mr. Scott's speech, 133; on Mr. Bowell's, 195.
The second Order on paper (Man.) *m.*, 197.
Inqy. whether reply received to recommendation from Federal Govt. to Lt. Gov. of N.W.T., that the school ordinances be reviewed and amd., 332.
Attention of Govt. again called to the question, with further remarks and information, 854.

N.W.T. Game Preservation B. (Z).

In Com. of W.—Suggestion, to strike out cl. 19 (burden of proof on the accused) 358; reply to Mr. Bowell, Customs cases not analogous, 358.

N.W.T. Irrigation B. (134).

In Com. of the W.—On 4th cl.: settlers' rights and marsh lands, 682, 683.

N.W.T. Representation Act Amt.; ballot voting, provision for; B. (5).

In Com. of the W.—Secret voting generally opposed, 486.

Order and procedure, questions of.

*Bill, withdrawal of.*—Wood Mountain Ry. B., there being a similar B. from Commons, *m.* for discharge of Order for 2nd R., 252; form of M. amd., 252.
*Constitutional Question.*—*See* "Man. and N.W. Schools" (above).

Schools question. *See* "Man. & N.W. Schools" (above).

Wood Mountain & Qu'Appelle Ry. Co.'s B. (R).

Introduced *, 226.
On Order for 2nd R.: there being a similar B. from Commons, *m.* that Order be discharged, 252. On Mr. Miller's suggestion, M. amd., and B. withdrawn, 252.
B. (20) from Commons, introduced, 229.
2nd R.*, 264.
3rd R.*, 277.

**BOLDUC, Hon. Joseph.**

Gagnon, M., Messenger, dismissal of.

Remarks upon, 653.

Internal Economy Com., 3rd Report.

On M. (Mr. McKay) for adoption: remarks on dismissal of M. Gagnon, Messenger, 653.

Masters' and Mates' Certificates, B. respecting (130).

Reported from Com. of the W., without Amt., 677.

**BOTSFORD, the late Hon. A. E.**

Remarks on the death of. Mr. Bowell, 25; Mr. Scott, 25; Mr. Dickey, 26; Mr. Wark, 27; Mr. Boulton, 69.

**BOUCHERVILLE, De.**

*See* "DeBoucherville."

**BOULTON, Hon. Charles Arkel.**

Aberdeen, the Earl of, as Governor Gen.

Remarks in debate on the Address, 69.

Abbott, the late Sir John.

Remarks on the death of, in debate on the Address, 69.

Address in reply to Speech from Throne.

On M. (Mr. Ferguson, P.E.I.) for On Mr. Bowell's speech: England an open market, 30; consumers paying the duties, 35; coal oil duties, 45.
On Mr. Kaulbach's speech: manufacturers' losses due to confined markets, 50.
On Mr. McInnes's (B.C.): reading an editorial on Behring Sea, 56; free trade a more important question, 56.
On Mr. Angers': Behring Sea close season, 63; P.E.I. exodus, not to North-west, 64; England a free trade market, 66.
On the Address: death of Sir John Abbott and Messrs. Boyd, Montgomery and Botsford, and value of the Senate, 69; compliments to mover and seconder of the Address, 69; to Lord Stanley and to Lord and Lady Aberdeen, 69; Behring Sea award, and destruction of the buffalo, 69, 70; international arbitration, principle of, 70; prairie chicken protection, 63, 70; exploring expeditions, Labrador and Hudson Bay, 70; Chicago exhibition and the Manitoba Building, 71; the tariff and free trade questions, Canadian exports, &c., 71-2-3-4; coal oil production and duties, 74-5-6-7-8; agricultural implements, manufacture and export, 78-9; free trade, 79, 80, 81; the paper industry, 81.

Allowances, Retiring, Staff. *See* "Militia."

Arbitration, international, the principle of.

Remarks in debate on the Address, 70.

Behring Sea award and regulations.

In debate on the Address.—On Mr. McInnes's (B.C.) speech: dispensing with reading editorial suggested, 56. On Mr. Angers': the close season, 63. On the Address: the Behring Sea award and extinction of buffalo, comparison, 69, 70; principle of arbitration, 70.

Botsford, the late Hon. Senator.

Remark on the death of, in debate on the Address, 69.

BOULTON, Hon. Charles A.—*Continued.*

BOYD, THE LATE HON. JOHN.
Remark on the death of, in debate on the Address, 69.

BUFFALO, EXTINCTION OF THE.
Remarks in debate on the Address, 69, 70.

CANADA'S COMMERCIAL POLICY. *See:*
"Tariff and Trade matters."

CANADIAN PACIFIC RY., COST OF, &c.
Ques. on speech of Mr. Ferguson (P.E.I.), on his M. for correspondence respecting P.E.I. winter communication, financial claims, &c., 535.

CANADIAN PACIFIC RY., FREIGHT AND PASSENGER RATES.
M. for schedule, including rates from St. Paul and Minneapolis to seaboard, 135. Remarks: depression in Man. and C.P.R. dividends, 135; increase of C.P.R. stock, 136; dividends and freight rates, 137; comparative statements, &c., 137-140.
Inqy. when information will be furnished, 288.
Freight rates referred to also in introducing Hudson Bay Ry. construction B., 267; also on similar B., 473-4.
M. for Return, revenue derived from Western division, Port Arthur to Calgary, 1892 and 1893; remarks, 405.
*See* also remarks on 2nd R. of Ocean Steamship Subsidies B., 805-6,

CANADIAN STATESMEN IN IMPERIAL ARBITRATION.
Remarks in debate on the Address, 70.

CANNED LOBSTERS. *See* "Fisheries Act Amt. B."

CHICAGO EXHIBITION AND THE MANITOBA BUILDING.
Remarks in debate on the Address, 71.

COAL OIL DUTIES. *See:*
"Tariff and Trade matters."
*Also* "Customs duties Acts consolid. B."

COMPANIES, JOINT STOCK, Incorp., new Regns. *See:*
"Joint Stock Companies."

CONSUMERS' CORDAGE CO.; ISSUE OF PREFERENCE STOCK; B. (31).
On M. (Mr. Ogilvie) for 2nd R.: remarks on free trade, and on trade combines, 484.

CRIMINAL CODE AMT. B. (136).
Reported from Com. of the W., with Amt., 751.

CUSTOMS DUTIES ACTS CONSOLID. B. (135).
On M. (Mr. Bowell) for 2nd R.; free trade advocated; reference to coal oil duties, &c., 877-8-9, 880. Comments on Mr. Clemow's speech, 880, 881.

DILLON, JAMES ST. G., DIVORCE B. (T).
On consideration of Com. Report, in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence. On Mr. Boulton's speech: ques. as to N.S. divorces to R. Catholics, 371; further on same ques., 371; further, 371. On Mr. Scott's speech: comment, effect of separation only, 392. On Mr. Dickey's: a ques., 417. On the constitutional ques. of divorces to R. Catholics, 419, 420-1-2-3. Reply to Mr. Bellerose's ques.: not the representative of a church on this question, but to administer existing law, 422.
On M. (Mr. O'Donohoe) to re-commit the Report for further evidence. On Mr. Kaulbach's speech: ques. on rules of evidence, 458.

BOULTON, Hon. Charles A.—*Continued.*

DILLON DIVORCE B.—*Continued.*
On M. (Mr. Clemow) to restore Com. Report to Order paper for further consideration, amd. to include Minority Report; and Amt. (Mr. Scott) for 3 months' "hoist": Amt. *m.*, consideration Tuesday next, 520. On Mr. McKay's ques. of Order thereon: Amt. *withdrawn*, 520.

DUTIES, CUSTOMS B. *See* "Customs" (above).

ENGLAND, TRADE RELATIONS, &c. *See:*
"Tariff and Trade matters."

EXPORTS. *See* "Trade and Tariff matters."

FISHERIES ACT FURTHER AMT. B. (145).
In Com. of the W.—On sub-cl. 5: marking of cases of canned lobsters, 709.

FISHERIES, ARCTIC, &c.
Reference to, in introducing Hudson Bay Ry. construction B, 268.

FISHERY, SEAL. *See* "Behring Sea."

FRANCE, COMMERCIAL TREATY WITH, Ratification B. (147).
Attention called to provisions of Treaty, and Inqy. whether ratification will not preclude intercolonial preferences; remarks on this and other treaties, 665-6-7-72. Reply to Mr. Angers on ques. of order, 672; further, 672. Reply to remarks of Mr. Kaulbach and others, 674.
On M. (Mr. Angers) for 2nd R. of B. Comments on his speech, 757, 758, 759, 760. On Mr. Scott's, 763, 764.
Amt. *m.*, to return Treaty to Imperial Govt., for further negotiations, 767-8-9, 770-1-2-3-4: 774-5-6-7. Comments on Mr. Kaulbach's speech, 778, 781. On Mr. Dever's, 783. On Mr. Drummond's, 784, 785. On Mr. Burns's, 788, 790. Leave to reply requested, 791.
On M. (Mr. Angers) for 3rd R. Comments on Mr. Tassé's speech, 842, 845, 846; further, 846, 848; further, 848.

FRAUDULENT SALE OR MARKING, B. (123).
Reported from Com. of the W., with Amt., 799.

FREE TRADE. *See* "Tariff and Trade matters."

FREIGHT RATES, C.P.R. *See* "C.P.R."

GAME PRESERVATION. *See* "N.W.T."

GRAND TRUNK RY., construction of.
Referred to, in introducing Hudson Bay Ry. construction B., 270.

GREAT BRITAIN, TRADE RELATIONS, &c. *See:*
"Tariff and Trade matters."

HUDSON BAY EXPLORING EXPEDITION.
Remarks in debate on the Address, 70.

HUDSON BAY ROUTE, FEASIBILITY OF.
On attention called to (Mr. Ferguson, Niagara), with Inqy. whether there are Reports since 1887. Comment on Mr. Angers' speech: whalebacks, 220.

HUDSON BAY RY., CONSTRUCTION B. (——).
Introduced and advocated, history of G.T.R., Intercol. Ry. and C.P.R., 266-270; preamble read, 271; further remarks, 271-2. On Mr. Angers' objection that B. is irregular, involving taxation; 1st R. urged, 272.

**BOULTON, Hon. Charles A.**—*Continued.*

Hudson Bay Ry., construction by Govts. of N.W.T. and Man.; B. (BB).

Introduced*, 309.

2nd R. *m.*, 466; the B. at length, 469; on feasibility of route; Intercol. Ry. construction: C.P.R. bonuses and freight rates in N.W., &c., 466-475. On Mr. Kaulbach's remarks: expense of debate hereon, 475.

On Amt. (Mr. Kaulbach) for 6 months' "hoist:" on the expense of his debate on a divorce case, 477. Comment on Mr. Bowell's speech: saving of N.W.T. from present taxation, 478. On Mr. Power's: Man. requires the legislation, 480.

Withdrawal of B., leave for, requested, 480.

Insurance Act further Amt. B. (V).

On M. (Mr. Angers) for concurrence in Commons Amts., and Amt. (Mr. MacInnes, Burlington), for non-concurrence in 27th Amt., to insert cl. *d.* in the B., 838.

Intercolonial Ry., construction of.

Reference to, in introducing Hudson Bay Ry. construction B., 270.

Further reference, in *m.* 2nd R. of similar B., 468, 473.

——— – Passenger and Freight rates.

M. for schedule; remarks, comparison with C.P.R. rates desired, 405.

Joint Stock Co's., Incorp., &c.; new Regulations; B. (EE).

In Com. of the W.—On cl. 195: that provision as to watering stock should apply to existing Co's., 584.

Labrador Exploring Expedition.

Remarks in debate on the Address, 70.

Lobsters, canned, marking. *See:*
"Fisheries Act Amt. B."

Man. & N. W. Ry.; time for construction extended; B. (X).

On M. (Mr. Lougheed) for 3rd R.—Amt. *m.*, to substitute "not less" for "not exceeding" prescribed amount of annual construction, 321. Remarks on Ry. construction in N. W., and the present condition of this road, 321-326. Further, on Mr. Kaulbach's remarks, 326. On Mr. Lougheed's, 327. With further remarks, Amt. *withdrawn*, 328.

Manitoba at the Chicago Exhibition.

Remarks in debate on the Address, 71.

Manitoba, depression in—*referred to* on:
"C. P. R. freight rates, M. for schedule."

Manufacturers and duties. *See:*
"Tariff and Trade matters."

Marking, Fraudulent, restraint of, B. (123).

Reported from Com. of the W., with Amt., 799.

Marking of Canned Lobsters. *See:*
"Fisheries Act Amt. B."

Mileage of Members.

Remarks on Sessional Indemnity B., 840.

Militia Staff, retiring allowances.

Lt. Cols. Villiers and Van Straubenzie, Major Street: Inqy. as to amount; remarks on Militia pensions, 142-3.

**BOULTON, Hon. Charles A.**—*Continued.*

Montgomery, the late Hon. Senator.

Remark on the death of, in the debate on the Address, 69.

Montreal Belt Line Ry. Co's B. (59).

On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) to restrict elevated Ry., in the city, to passenger traffic: the Amt. opposed, 624.

Nelson Valley Railway.

Referred to in *m.* 2nd R. of Hudson Bay Ry. construction B., 467.

North-west Terries., game preservation B. (2).

In Com. of the W.—On cl. 5: on Mr. Power's remarks, close season in high latitudes, &c., 335. On cl. 8: reply to Mr. Allan's ques., the Act applies to settlers, 237.

Ocean Steamship Subsidies B. (161).

On M. (Mr. Angers) for 2nd R.; comments on effects of new fast line, the C. P. R., &c., 805-6.

Order and Procedure, Questions of.

*Bill, powers conferred.*—Amt. to Montreal Belt Line Ry. B., restricting to passenger traffic, opposed; that this parental position should not be taken. Reference to Telephone B. of last session, 624.

*Bill, publication in Debates Report.*—Discussion of this ques., and Hudson Bay Ry. construction B. read at length for insertion in Debates Report, 468, 469.

*Debate, Relevancy of.*—On Mr. Angers' ques. of relevancy of remarks on C. P. R. freight rates, to 2nd R. of Hudson Bay Ry. construction B.: that this point shows necessity of such B., 473.

*Debate, remarks in.*—Reply to Mr. Kaulbach's comments on speech on French Treaty question, 674.

*Debates, unnecessary, Expense of.*—Replies to Mr. Kaulbach, and reference to his debate on a divorce case, on his objection to 2nd R. of Hudson Bay Ry. construction B., 475, 477.

*Divorce Procedure.*—See constitutional points involved in debate on "Dillon Divorce B." (above).

Paper industry, the. *See:*
"Tariff and Trade matters."

Passes, free, on Railways.

Remarks on Sessional Indemnity B., 840.

Pensions. *See* "Militia Staff, retiring allowances."

Prairie chicken, close season for.

Remarks in debate on the Address, 63, 70.

Prince Edwd. Isld. tunnel, financial claims, &c.

On M. (Mr. Ferguson) for correspondence. On his speech: ques., cost of C. P. R., 535.

Protection. *See* "Tariff and Trade matters."

Railway construction in N.W. *See:*
"Man. & N.W. Ry. B.", Amt. to.
*Also* "Hudson Bay Ry."

Railway Free Pass System.

Remarks, on Sessional Indemnity B., 840.

Retiring allowances, Staff. *See* "Militia."

Seal Fishery. *See* "Behring Sea."

Senate and Commons Act. *See* "Sessional Indemnity."

**BOULTON, Hon. Charles A.**—*Concluded.*

SENATE, THE VALUE OF THE.
Remarks in debate on the Address, 69.

SESSIONAL INDEMNITY, 12 DAYS' ABSENCE NOT chargeable; B. (164).
On M. (Mr. Angers) for 3rd R.; members at long distances; free pass system, &c., 840.

STAFF, MILITIA, RETIRING ALLOWANCES.
Lt. Cols. Villiers, VanStraubenzie, Maj. Street: Inqy. as to amount; remarks on Militia pensions, 142-3.

STANLEY OF PRESTON, LORD, AS GOVERNOR GEN.
Compliment to, in debate on the Address, 69.

STREET, MAJOR, MILITIA STAFF.
Inqy.: amount of retiring allowance, 142.

TARIFF AND TRADE MATTERS.
In debate on the Address.—Remarks on Mr. Bowell's speech: England an open market, 30; consumer paying the duties, 35; coal oil duties, 45. On Mr. Kaulbach's: manufacturers' losses due to confined markets, 50. On Mr. McInnes's: importance of free trade question, 56. On Mr. Angers': England a free trade market, 66. On the Address: the tariff and free trade questions, Canadian exports, &c., 71-2-3-4; coal oil production and duties, 74-5-6-7-8; agricultural implements, manufacture and export, 78-9; free trade, 79, 80, 81; the paper industry, 81.
France, Treaty with. *See* "France" (above).
Free trade remarks, in debate on "Consumers' Cordage Co., issue of preference stock, B." 484.
*See also* "Customs Acts consolid. and Amt. B."
*See also* "Ocean steamship subsidies B." (above).

TRADE, COMBINATIONS IN RESTRAINT OF, B.
Referred to, in debate on "Consumers' Cordage Co., issue of preference stock, B." 484.

TREATY, FRENCH. *See* "France."

U.S., BEHRING SEA AWARD. *See* "Behring Sea."

—— TARIFF AND TRADE MATTERS. *See* "Tariff and Trade."

VAN STRAUBENZIE, LT.-COL., MILITIA STAFF.
Inqy.: amount of retiring allowance, 142.

VILLIERS, LT.-COL., MILITIA STAFF.
Inqy.: amount of retiring allowance, 142.

WINNIPEG AND HUDSON BAY RY.
Referred to, in *m.* 2nd R. of Hudson Bay Ry. construction B., 467.

WORLD'S FAIR. *See* "Chicago Exhibition."

**BOWELL, Hon. Mackenzie.**

ABBOTT, THE HON. SIR J. CALDWELL.
Remarks on the death of, 4.

ABERDEEN, HIS EX. THE EARL OF.
Eulogies of, in speeches on the Address, joined in, 23.

ADDRESS IN ANSWER TO SPEECH FROM THE THRONE.
M. for consideration of speech on 19th March, 4.
On M. (Mr. Ferguson, P.E.I.) for Address. On Mr. Scott's speech: personal remarks, and compliments to mover and seconder of Address, 23; on the eulogies to past and present Governors General, 23; on such appointments and Imperial promotions, 23; date of calling Parlt., 23; U.S. and Canadian policies, 23-4; volume of trade, 24-5, 27; farming and lumber industries, 28; agricultural implements and protection, 28-9; trade with Australia and the U.S., 28-9; with England, 30; P.E.I. dairying, 30; animal exports, 30; other exports and the fiscal policy, 31-2-3; past deficits and taxation, 33, 34; cotton and sugar industries, 35; protection advocated, 36-7; Behring Sea award, 37; visit to Australia, 37; increased ocean communication, 38-9.
Comments on Mr. Power's speech: coal oil duty, 44; Mr. Huddart and the Australian line, 46-7.
On Mr. McInnes's (B.C.): U.S. and Canadian tariffs and excise collections, 61.
On Mr. Boulton's: drawback on manufacturers' materials, U.S. and Canada, 79; U.S. paper export to England, 81.

ADJOURNMENTS. *See* "Senate."

AGRICULTURAL INDUSTRIES, GOVT. ASSISTANCE TO.
Remarks on 2nd R. of Iron bounty B., 867.

ALLOWANCES, RETIRING, MILITIA. *See:*
"Militia Staff Officers, retiring allowances."

APPROPRIATION ACT. *See* "Supply Bill."

ATLANTIC MAIL. *See* "Ocean communication."

AUDIT ACT AMT.; time limitation, actions against revenue officers, &c.; (127).
Introduced*, 635.
2nd R. *m.* and B. explained, 637. To Mr. Scott: present limit, 637.
3rd R.*, 664.

AUSTRALIA, TRADE WITH.
In debate on the Address, 28, 29, 37, 39.
(*See* also "Ocean steam communication.")

BALLOT IN N.W.T. *See:*
"N.W.T. Representation Act Amt. B."

BANKING SYSTEM OF CANADA.
Remarks in Com. on Dom. Notes Act Amt. B., 860.

BAPTIST, REFORMED, CHURCH ALLIANCE INCORP. B., (84).
On M. (Mr. McClelan) for 2nd R. That powers of the corporation must be defined in Com., 527.

BEET SUGAR BOUNTY.
Remarks on 2nd R. of Iron bounty B., 868.

BEHRING SEA AWARD AND REGULATIONS.
In debate on the Address, 37.
Partial reply to Inqy. (Mr. McInnes, B.C.): statement in Imperial Parlt. that Canada does not claim compensation, not strictly correct, 155.
Reply: no claim under present Imperial Act; claims for past seizures not affected, 199.
Further: that Mr. Buxton denies language attributed to him in Imperial Parlt., 226.

BILLS, PRIVATE, EXTENSION OF TIME FOR.
That Govt. has no objection, 155; on Mr. Vidal's remarks: as H. of Commons has not extended time, not advisable for Senate, 155.
On M. (Mr. Lougheed) to adopt 15th Report of Standing Orders Com., extending time for reporting on Private Bs. till end of Session: held that rule should be enforced, but it does not interfere with Bs. sent up from Commons, 283-4-5.

**BOWELL, Hon. Mackenzie**—*Continued.*

Boards of Trade Incorp. Act Amt.; definition of districts in N.W.T.; B. (FF).
Introduced and explained, 426.
2nd R. *m.* and further explained, 461.
3rd R. *m.**, 485.

Botsford, the Hon. Amos E.
Remarks on the death of, 25.

Boyd, the Hon. John.
Remarks on the death of, 4.

Brit. Columbia, Chinese residents in.
Reply to Inqy. (Mr. Macdonald, B.C.): no intention to alter Chinese Act this session, 497.

Brit. Columbia, Interest rate. *See:*
"Interest Law Amt. B."

Buffalo, preservation of. *See:*
"North-West Terries., game preservation B."

Canadian Pacific Ry. freight rates, &c.
On M. (Mr. Boulton) for schedules; no objection to M., 140. Comment on Mr. Power's speech; Pacific terminus, 141.
Reply to Inqy. (Mr. Boulton): returns not furnished yet.
On M. (Mr. Boulton) for Return showing revenue derived from Western division, Port Arthur to Calgary, 1892 and 1893; and on his proposed comparison of rates with those of the I. C. R., 405. This debate referred to, in debate on Hudson Bay Ry. construction B. (Mr. Boulton), 478, 479.

Canadian Pacific Ry. land subsidy; exchange of alternate sections for blocks in irrigable region; B. (159).
Introduced*, 840.
2nd R. *m.* and B. explained, 854.
3rd R. *m.**, 854.

——Pipestone Branch, land subsidy.
Explanation in Com. on Ry. land subsidies B., 852. Reply to Mr. Kaulbach thereon, 862.

Canadian Pacific Ry., manufactured articles (iron bridges) drawback, B (166).
Suspension of Rules, and
2nd R. *m.**, 860.
3rd R. *m.*, 860.

Carnot, the late President. *See* "France, President."

Carvell, the Hon. Senator.
Remarks on the death of, 6.

Certificates, Masters' and Mates'. *See* "Masters, &c."

Chinese residents in B. C.
Reply to Inqy. (Mr. Macdonald, B.C.): no intention of altering Chinese Act this session, 497.

"Citizen," Ottawa, erroneous report.
Ques. of Privilege: report of debate on Insurance B. (p. 837), 857.

Coal oil duties. *See*:
"Customs duties Acts Consolid. B."

Combinations, Trade. *See* "Trade."

Committees, appointment of. *See* "Senate."

Companies, Joint Stock, B. *See* "Joint Stock Cos."

**BOWELL, Hon. Mackenzie**—*Continued.*

Conservative attitude towards R. Catholics.
Referred to under "Man. & N. W. T. Schools."

Consolid. Revenue and Audit Act. *See* "Audit."

Conspiracies, Trade. *See* "Trade."

Cotton Industry. *See* "Tariff matters."

Criminal Law, Administration of.
Death sentence, commutation of.
Reply to Inqy. (Mr. McInnes, B.C.): papers asked for will be inquired about, 289.
——— *See* "Indian Act Amt. B.," cl. respecting penalties for trespassing on reserves.
——— *See* "N.B., juvenile offenders, custody, B."
——— *See* "N.W.T. Game preservation B.," cls. respecting convictions and penalties.
——— *See* "Youthful Offenders, B."

Currency issue. *See* "Dom. Notes Act."

Customs Duties Acts Consolid. and Amd. B. (135).
On being received from H. of Commons:
Suspension of Rules *m.**, 869.
2nd R. *m.*, 870. Comment on Mr. Scott's speech, 873. Reply to Messrs. Power and Scott, on tariff policies of Govt. and Opposition, 874-5-6-7. Reply to Mr. Power's remark, 877; further, 877. Comments on Mr. Boulton's speeches, 878, 879, 881.
3rd R. *m.**, 882.
*See also* "Tariff and Trade matters," generally.
*Also* "C.P.R. manufactured articles, drawback, B."; and "France, Commercial Treaty with."

Customs Officers, prosecutions. *See* "Audit Act."

Death Sentence Commuted, two B.C. Indians.
Reply to Inqy. (Mr. McInnes, B.C.): papers asked for will be inquired about, 289.

Deck-loads of Ships, B. *See:*
"Ships, safety of, Act, Amt., B."

Deficits, past.
In debate on the Address, 33-4.

Derby, the Earl of.
Eulogies of, as Governor Gen., in speeches on the Address, joined in, 23.

Dillon, James St. G., Divorce B. (T).
In debate on Com. Report, in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions. On Mr. Scott's speech: comment on the facts of case, 390.
M. (Mr. O'Donohoe) to re-commit the Report for further evidence, and M. (Mr. Clemow) for adjt. of debate, explained, 425.
Explanation submitted, from Queen's Printer, showing there was no delay in printing papers, 406.
On Order of business: that resumed debate should stand first on the Orders, 406; further remarks, 406.
In resumed debate on Mr. O'Donohoe's M.—Comment on Mr. Power's speech, Mr. Reesor's argument in favour of petitioner reversed, 452.
On M. (Mr. Clemow) to restore Com. Report to Orders, and ques. of procedure thereon: suggested addition to M., to include Minority Report, 519. On Mr. Scott's Amt., six months' "hoist": further, on the procedure, 520; further, 520.

**BOWELL, Hon. Mackenzie**—*Continued.*

Dillon Divorce B.—*Continued.*

On M. (Mr. Clemow) for adoption of Com. Report, and Amt. (Mr. Bellerose) to re-commit, to strike out marriage permission; against acceptance of reports of petitioner's father's views, 617; reply to Mr. Scott, 617; on ques. of Order: that Mr. Bellerose is explaining, 618.

Dominion Notes Act Amt.; increased currency issue; B. (165).
(Introduced by Mr. Angers*, 840).
2nd R. *m.**, 854
In Com. of the W.; to Mr. Scott, effect of B., loan by issuing notes, 860; on his suggestion, redemption of old notes, 860; on Mr. Kaulbach's, larger issue of currency, remarks on banking system, 860.
3rd R. *m.**, 860.

Drawbacks, Customs. *See* "Customs."

——— Inland Revenue. *See* "Inland Revenue."

Duties, Customs. *See* "Customs duties B."
*Also* "Tariff and Trade matters."

Electoral Franchise Act Amt.; Voters' Lists, revision under Redistribution Act; B. (143).
On receipt from H. of Commons,
Suspension of Rules, and
1st, 2nd and 3rd Rs. *m.**, 869.

Electric Light Inspection B. *See* "Inspection."

Electric Ry. Motormen, protection of. *See:*
"Railway Act Amt. B."

Electrical Measure, units of; B. (117).
Introduced*, 639.
(2nd R., *m.* by Mr. Angers, 699).
(In Com. and 3rd R. *m.* by Mr. Angers, 863-4).

England. *See* "Great Britain."

Evidence, Parliamentary Witnesses. *See* "Parliamentary Witnesses Oaths B."

Exports. *See* "Tariff and Trade matters."

Farming Industries, Govt. Assistance to. Remarks on 2nd R. of Iron bounty B., 867-8.

Fiscal policy. *See* "Tariff and Trade."

Fisheries, Seal. *See* "Behring Sea."

Fitzgerald, Hon. N., visit of.
Invitation to floor of Senate, 639.

Flint, the late Hon. Senator.
Decease announced; eulogy, 563.
Funeral expenses, M. for payment of, 687, 688.

France, commercial Treaty with; B. (147).
On M. (Mr. Angers) for 3rd R.; comments on Mr. Tassé's speech, 846; further, 846, 849.

France, the late President Carnot.
On announcement (the Speaker) of invitation to funeral: that Cabinet were similarly invited, 635.

Franchise Act Amt. *See* "Electoral Franchise."

Freight rates on C. P. R. *See* "C. P. R."

French translators, increase of.
On 2nd R. of Insolvency B.; explanation that more translators are required, 229.
M., for Clerk to employ such as are necessary, 272.

Funeral expenses, deceased Senators.
(Hon. Messrs. Flint and Glasier). M. for payment of; precedents quoted, 687, 688.

**BOWELL, Hon. Mackenzie**—*Continued.*

Game, preservation of, in N.W.T. *See:*
"North-west Territories, game preservation B."

General Inspection Act Amt. B. *See* "Inspection."

Glasier, the late Hon. Senator.
Funeral expenses, M. for payment of, 687; further remarks, 687, 688.

Governor-Generalship and Imperial promotions.
Comments on Mr. Scott's speech on the Address, 23.

Great N. W. Central Ry. Co.
Reply to Inqy. (Mr. Perley): no knowledge as to intention of proceeding with construction; ques. of land grant lapsing is before Dept. of Justice, 635.

Harbour Masters Act Amt.; power to appoint Deputies; B. (A).
Introduced and explained, 86.
2nd R. *m.*, 87.
3rd R. *m.**, 90.
Pointed out that defect in this Act as to defining limits of Harbours is remedied by Public Harbours Act, B. (U), 228.

Harbours, Public; definition and extension of limits, &c.; B. (U).
Introduced and explained; extension of St. John, N.B., limits, 228.
2nd R. *m.*, 275; to Mr. Power, B. further explained, 275.
3rd R. *m.*, 277; on Mr. Power calling attention to Rules, held that Amts. in Com. of W. correcting only clerical errors, B. may pass 3rd R. same day, 277.
Commons Amt., concurrence *m.*: further restriction as to Govt. regns., 580.

Hay, Inspection of. *See:*
"Inspection, General Act, Amt. B."

Holidays Act Amt.; Labour Day added, B.(106).
Introduced*, 615.
2nd R. *m.* and B. explained, 620.
M. for reading at length, and
3rd R. *m.**, 620.

Hudson Bay route, feasibility of.
On Inqy. (Mr. Ferguson, Niagara) whether any recent reports, and on Mr. Power's remarks that this ques. had been already discussed in Senate, 222; on Mr. Read's (Quinté) remarks thereon, 222.

Hudson Bay Ry., construction as a public work; B. (BB).
On M. (Mr. Boulton) for 2nd R., a ques., as to his reading the whole B. for publication in Debates, 468. On Amt. (Mr. Kaulbach) for 6 months' "hoist": reply to Mr. Perley's reference to I. C.R. and C.P.R. freight rates; absurd to dictate to Provinces as to their self-taxation; this not a public B.; C.P.R. bonuses; the Amt. supported, 478-9. Mr. Perley's explanation upon his speech, accepted, 479.

Indian Act further Amt. B. (CC).
Introduced*, 309.
2nd R. *m.* and B. explained: Indian wills; trespassers on reserves; leasing of lands; disqualification of deposed chiefs, &c., 343-347. Reply to Mr. Kaulbach: Indian wills; 347; property outside reserves, 347.

**BOWELL, Hon. Mackenzie**—*Continued.*

Indian Act Further Amt.—*Continued.*

In Com. of the W.—On cl. 1: cl. explained; any parts of wills subject to disapproval, 361.
On sub-sect. 2: replies to Mr. Power, disposal of property, 361; difficulty of tracing relationship, 361.
On sub-sect. 8: explained, disposition of children's shares, 361; replies to Mr. Macdonald (B.C.), disposal of location ticket rights, 362; and improvements, 362; powers of devising duly given, 362.
On cl. 2: replies to Mr. DeBoucherville, penalty upon trespassers on reserves, 362; B. not retroactive, 362. To Mr. Vidal, cl. is to prevent imposition upon Indians, 362.
On cl. 11: reply to Mr. Power, no control over Indians off reserves, 362.
3rd R. *m.**, 364.

Inland Revenue Act further Amt. B. (158).

(Introduced by Mr. Angers*, 825).
2nd R. *m.*, 852.
In Com. of the Whole.—1st cl. explained, expenses of seizure, 852.
2nd cl. explained, spirits manufactured for export, 852.
4th cl., drawback on malt extract, 853; replies to Mr. Power, 853; to Mr. Dever, 854.
3rd R. *m.**, 854.

Insolvency Act, 1894; B. (C).

Reply to Inqy. (Mr. Read, Quinté): that B. will be brought down in Senate, and immediately, 90.
B. introduced and explained, 90; reply to Mr. Scott, printing of the B., 97; to Mr. Lougheed, will be referred to Com. of W., 97; to Mr. Gowan, decision of Privy Council in England on Ont. Insolvency Act, 97.
M. to print 2,500 copies, 134.
On Notice of M. for reference (after 2nd R.) to Joint Com. of both Houses; large Com. of Senate being preferable, that Notice be dropped, 225.
Notice of M. for reference to a Com. of 25; but number may be enlarged, 227.
2nd R. *m.*; French edition in progress; delay in printing; more translators required, 229. On Mr. Dickey's speech: effect of Imperial Privy Council decision permits Provincial Insolvency laws, 234. On Mr. Wark's suggestion to adj. debate: 2nd R. urged, then reference to Special Com., then to Com. of W.; on cl. extending Act to farmers; 2nd R. does not bind Senate, 247-8. To Mr. Sullivan, discussion cl. by cl., 248; copies to Boards of Trade, 248; to Mr. Dickey, members should supply constituents, 249; to Mr. Ferguson, 2,500, more if House wishes, 249.
M. for reference to Special Com., 249. To Mr. McKindsey: Com. may make sub-Coms., 249.
M. that Mr. Smith be added to Com.; authority to Com. to send for persons and papers, 273.
In Com. of the W.—On cl. 2, sub-sect *a*: on Amt. (Mr. McKindsey) to substitute word "trader" for "debtor"; suggested that the interpretation cl. be left to last, 502; further, on the definition of "debtors," 502. That principle of B. should not be discussed in Com., 503; that a member cannot reserve such a right for himself, 503; on Mr. Dickey's protest, previous arrangement for such discussion admitted, 505, 506.
On Amt. (Mr. McKindsey) that B. apply to traders only: suggested postponement of Amt., and clearer definition of traders, 510.
Again in Com.: misunderstanding as to procedure further explained, 550.

**BOWELL, Hon. Mackenzie**—*Continued.*

Insolvency Act—*Continued.*

Amts. of Messrs. McKindsey, Dickey and Power, as to classes to whom B. shall apply, defined, 558.
M. that cl. 3 may stand, 562.
On cl. 6, sub-sec. *a*: replies to Mr. McKindsey, insolvents who have not assigned, 562.
On cl. 35: On Amts., amount to be paid by insolvent: that cl. may stand, 563.
M. that Com. report progress, 563.
Again in Com.: *m.* that progress be reported, pending printing of the various Amts., which explained, 579; further, 579. On Mr. Dickey's suggestion for a scale of fees, 580.
M. again into Com., 586. In Com.: Amt. *m.* for new 3rd cl., B. to apply only to traders, with definitions, 587. On ques. of ranching farmers, 588; millers, 588.
M. for new 12th cl., annulment of receiving orders, &c., 590.
On cl. 35: amount to be paid by insolvent, 590. At length on the ques.; Amt. (Mr. Miller) for 50 cents, supported, 598-600.
Concurrence *m.*, in Amts. of Com., 603; on Mr. Power's objection, 603.
3rd R. *m.*, 604.

Inspection, General, Act, further Amt.; hay inspection, provision for; B. (125).

Introduced*, 427.
2nd R. *m.* and B. explained, 464.
In Com. of the W.—On 2nd cl.: reply to Mr. Dickey's remarks, 487; to Mr. McCallum, 488; to Mr. Ogilvie, 488; to Mr. McClelan, 488-9; that the suggestions of various Senators have been noted for consideration, and further remarks, 493-4-5.
Again in Com.: remarks on the various suggestions made. 524-5; adoption of 2nd sect. *m.*, by striking out word "hay," 525.
Amt. (Mr. Dickey) accepted, defining dyke hay, 525; Mr. Power's better definition, mixed hay, accepted, 526.
3rd R. *m.* as amd.*, 550.

Inspection of Electric Light B. (118).

Introduced*, 676.
2nd R. *m.* by Mr. Angers, 693; taken through Com. by him, 741-3, 745-7.
3rd R. *m.**, 751.

Inspection of Ships Act Amt.; definition of ships subject to inspection; B. (113).

Introduced*, 427.
2nd R. *m.* and B. explained, 465. To Mr. Macdonald (B.C.): cost of inspection not here provided for, 465. To Mr. Almon: foreign men-of-war exempt, 465; and British, 465.
In Com. of the W.—On 1st cl.: to Mr. Kaulbach, provision extends to all except H.M. Ships, 496.
3rd R. *m.**, 496.

Inspection of Steamboats Act. *See* "Steamboat."

Insurance Act further Amt. B. (V).

On M. (Mr. Angers) for concurrence in Commons Amts., and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to insert cl. *d* in the B. Comments on Mr. Allan's speech, 833. On Sir F. Smith's attitude upon the B., 836-7.

Ques. of privilege: Ottawa *Citizen's* erroneous report of above, 857.

**BOWELL, Hon. Mackenzie**—*Continued.*

Intercolonial Ry., Passenger and Freight Rates.
On M. (Mr. Boulton) for schedule; and on his proposed comparison with C.P.R. rates, 405.
This debate referred to in debate on Hudson Bay Ry. construction B. (Mr. Boulton), 478, 479.

Interest Law Amt.; B.C. rates fixed; B. (129).
Introduced*, 635.
2nd R. *m.* and B. explained, 635; reply to Mr. Scott, right under B. N. A. Act to fix interest, 636.
3rd R.*, 660.

Internal Economy Committee.
Appointment of: adoption of cl. of report of Com. of selection, *m.*, 98.
Change of name from Contingt. Accts. Com.: adoption of cl. of report by consent, suggested, 98.

Iron and Steel Manufacture Bounty B. (170).
Introduced*, 867.
Suspension of rule, and 2nd R. *m.*, 867. Replies to Messrs. Power and Scott; Govt. assistance to agricultural industries; beet sugar bounty; bounty system generally, 867-8.
3rd R. *m.**, 868.
*See also* "C.P.R. drawback, iron bridges, B."

Joint Stock Co.'s Incorp. and regulation: consolidation of Acts on English system; B. (EE).
Introduced and partially explained, 426.
2nd R. *m.* and B. further explained, 522, 523. Mr. Power's suggestion, application of liquidation provisions to existing Cos., will be considered, 524.
In Com. of the W.—Sects. 1 to 5 explained, 581.
On subsect. 1: on Mr. Power's remarks, liquidation of existing Cos.: that cl. may stand, 581.
On cl. 3: on Mr. Power's remarks, number of persons in Co., 581.
On cl. 5: amount of capital, 582; liability of retired stockholders, 582.
On cl. 81: process serving cl. unnecessary, 582.
On cl. 93: to Mr. Power: no inspection of existing Cos., 582.
On cl. 160: on Mr. Power's suggestion, Amt. *m.*, paid-up capital, $100,000, 583.
On cl. 195: to hon. Senators: applicability of liquidation provisions, &c., to existing Co.'s will be considered, 583, 584.
On Table "B": to Mr. Power: registration fees, 584.
On cl. 2, interpretation: can be amd. by a special cl., 584.
On cl. 81: can be referred back at 3rd R. if necessary, 585.
3rd R. *m*, no changes necessary, 585.

Justice, Administration of.
Death sentence commuted. Reply to Inqy. (Mr. McInnes, B.C.): papers will be inquired for, 289.

——— *See also*:
"Indian Act Amt. B," penalties.
"N.B., Juvenile Offenders, custody, B."
"N.W.T. Game Preservation B," penalties.
"Youthful Offenders, Trial, &c., B."

Juvenile Offenders, separate trial, &c. *See*:
"Youthful Offenders" (Mr. Allan's B.)

——— in N.B., custody of, B. *See* "N.B."

Labour Day. *See* "Holidays Act Amt. B."

**BOWELL, Hon. Mackenzie**—*Continued.*

Land Grants, N.W. Campaign. *See* "Militia."

Land Subsidy, C.P.R. *See* "C.P.R."

——— ——— Railways generally. *See* "Railways."

Lighthouses, Buoys and Sable Island Act. Amt.; power to Minister of Marine to appoint keepers with $200 salaries; and to make contracts for supplies, B. (B).
Introduced and explained, 86.
On Order for 2nd R.: remarks on point raised by Mr. Masson as to a Senate B. dealing with salaries, 88; B. allowed to stand, 88.
2nd R. *m.*, 88; on point raised by Mr. Kaulbach, as to Senate B. authorizing making of contracts, 89.
In Com. of the W.; on Mr. Power's remarks, verbal Amt. required, 90.
3rd R. *m.* *, 98.

Liquor Traffic, Prohibition. *See* "Prohibition."

Lord's Day, Better Observance, B. (2).
On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) for 6 months "hoist": 2nd R. supported, in hope of change of provisions in Com., 573-4.

McCarthy, Mr. D., politics of.
On Mr. Power's speech, on M. (Mr. Bernier), Man. Schools question, 172.

Manitoba and N.W. Schools question.
On M. (Mr. Bernier) for copies of school ordinances, Orders in Council, &c. Comments on Mr. Scott's speech, 122-3-4.
On M. (Mr. Bellerose) for adjt. of debate; curtailment of debate suggested, 154; compliment to mover (Mr. Bernier), 155.
In debate: on Mr. Power's speech: Mr. McCarthy's politics, 172; Mr. Meredith's hostility to Catholics, 172; Ont. Conservative hostility, 173; ques., school hours, 175.
On the M., and the constitutional and political questions involved, 188, 190, 191-3-4-5-6.
On Mr. Bernier's second M. on the subject, and the Speaker's saying it should stand, 197.
Petition presented, by Bishops of Quebec, in relation to School laws of N.W.T., 331. Reply to Mr. Bellerose: its printing should take usual course, 331.

Manitoba, Freight rates in. *See* "C.P.R."

Manufacturing industries.
In debate on the Address. *See* "Address" (above). *See also* "Iron manufacture bounties B."

Masters and Mates Certificates Act Amt.; extension of rights to British sailors; B. (130).
2nd R. *m.* and B. explained, 638. To Mr. Kaulbach: no extension to coasting trade, 639.
(In Com. of the W., by Mr. Angers, and 3rd R., 676-7.)

Meredith, Mr., attitude towards R. Catholics.
On Mr. Power's speech, on M. (Mr. Bernier), Man. Schools question, 172.

Militia in N. W. campaign; land grants; time further extended; B. (54).
Introduced*, 635.
2nd R. *m.* and B. explained, 636. To Mr. Lougheed: list of unsettled scrip claims will be obtained. On Mr. Power's suggestion to close these matters, 637.
3rd R*, 687.

**BOWELL, Hon. Mackenzie**—*Continued.*

Militia Staff Officers, retiring allowances.
Reply to inqy. (Mr. Boulton), on three cases, and on general system, 143.

Montgomery, the Hon. Donald.
Remarks on the death of, 4.

Montreal Harbour Acts Consolid. B. (S).
Introduced and explained, 226.
On Order for 2nd R., on point that B. is not printed in French, *m.* that order be discharged, 227, 228.
2nd R. *m.**, 274.
On Order for Com. of the W. : in view of discussion with Marine Dept. as to Harbour extension, postponement *m.*, 311.
In Com. of the W.—Cls. 5 and 6 : request that they may stand, in view of discussion upon limits, 312 ; to Mr. Desjardins : plan being prepared, 312.
On 8th cl. : in reply to Messrs. Desjardins and Ogilvie : the personnel of the Board, and mode of their appointment, 313-14.
On 16th cl. : on Mr. Power's suggestion that remuneration should be subject to Govt. approval, 315.
On 18th cl. : on Mr. Power's suggestion that appointment of shipping officer be also in hands of the Board, 316.
On 25th cl. : to Mr. DeBoucherville : prevention of old Provincial laws interfering with Trade and Navigation, now Dom. matters, 317.
On 26th cl. : explanation of powers embodied, 317. Subsect. *n.* (control of tow-boats) unnecessary ; *m.* it be struck out, 318. On the further subsections, and on Mr. Power's further remarks as to remuneration of commissioners, 318.
On 35th cl. : replies to Messrs. Desjardins, Power, no extra borrowing powers conferred, 319.
On cl. 36 : to Messrs. Power, Desjardins, advertisement of sales, 319, 320.
On cl. 41 : change explained, subsect. *b*, any magistrate, 320.
On cl. 47 : exemption from jury service ; on legal ques., cl. reserved, 320.
Again in Com.—On cl. 5 (postponed) : that there proves to be no necessity for a change, 331.
Again in Com.—On cl. 6 : M. that a new cl. 6, defining limits, be substituted, 331.
On cls. 25 and 47 : on constitutional point, cl. 25 doubtful, but allowed to stand ; cl. 47, M. to strike out, 331.
Concurrence in Amts. *m.* *, 331.
3rd R. *m.* *, 332.
Commons Amts., explained and concurrence *m.*, 628 ; replies to Mr. DeBoucherville, control of ice-bridge, 628, 629.

Mounted Police Acts Consolid. B. *See* "N. W. M. Police."

Musk-ox, protection of. *See :*
"North-west Terries., game protection B."

New Brunswick, Juvenile offenders, Custody of ; B. (GG).
Introduced ; explanation, Lady Tilley's Reformatory, 483.
2nd R. *m.* *, 526.
In Com. of the W.—On ques. (Mr. Macdonald, B.C.) as to age ; attention of Min. of Justice will be drawn, 565.
3rd R. *, 565.
(For Mr. Allan's *general* B.—*See* "Youthful Offenders.")

**BOWELL, Hon. Mackenzie**—*Continued.*

Northumberland Straits, Borings in.
Reply to Inqy. (Mr. Ferguson, P.E.I.) : intention to proceed with, this summer, 497.

North-west Campaign, scrip. *See* "Militia."

North-West Terries., Game Preservation ; buffalo, musk-ox, &c. ; B. (Z).
Introduced and explained, 286 ; to Mr. Lougheed, close seasons and periods of prohibition, 287-8.
2nd R. *m.*, 306 ; on Mr. Kaulbach's suggestion, to extend provisions to territories North of Quebec, 307.
In Com. of the W.—On 1st cl : Mr. Power's Amt., altering title to "Territories Game Preservation Act," accepted, 333.
On 2nd cl : Mr. Power's suggestion to extend limits, to include Labrador, &c., will be considered for 3rd R., 334.
On 5th cl : on Mr. Power's suggestion, that close season for animals is too short : that suggestions by Hudson Bay Co. officials have been followed, 333, 334. On Mr. Power's remarks as to being guided by those officials in legislating, 336 ; further remarks thereon, 336.
On sub-sect. *g* : Mr. Kaulbach's suggestion, that swan should come under category of wild fowl, accepted ; that Mr. Ogilvie's advice has been followed, 337.
On cl. 8 : replies to Hon. Senators, measures for preventing indiscriminate slaughter, 337, 338 ; Hudson Bay Co. will carry out provisions of law, and officials will enforce it, 338. On Mr. Lougheed's ques. as to licenses, 339 ; as to designation "travellers," 339.
On cl. 15 : Mr. Power's objection, liability of Indian and person employing him : cl. allowed to stand, 340.
On cl. 17 : on Mr. Power's ques. as to convicting officer retaining the game seized, and Mr. Lougheed's remarks, 340. Mr. Power's suggestion, record by convicting officer, noted, 341.
On cl. 19 : on remarks of Hon. Senators as to *prima facie* evidence of violation of law, 341, 342 ; cl. allowed to stand, 342.
On cl. 22 : on Mr. Allan's suggestion, as to persons making collections, cl. allowed to stand, 343.
On cl. 26 : Mr. Power's suggestion, power to Govt. to alter close season, noted, 343.
Again in Com.—Amt. in title suggested : "Unorganized Terries. Game Preservation Act." 356.
On cl. 15 : substitution of new form 12 *m.* : penalty for employing others to take game, 356 ; reply to objection of Mr. Power, 357.
On cl. 5 : special cl. prepared to enable Govt. to change close season, 357 ; on Mr. McClelan's suggestion, that Govt. give due notice, Amt. *m.*, 357.
On cl. 19 : adding "on reasonable suspicion" *m.*, 357 ; to Mr. Power, necessity for extraordinary powers, 357.
On cl. 22 : Amts. *m.*, departmental scientific permits, also exception of buffalo therefrom, 357 ; M. to strike out "other purposes," 357.
Again on cl. 19 : replies to several Senators on burden of proof, 358-9 ; consent to cl. being struck out, 359 ; M. therefor, 359.
On cl. 8 : reply to Mr. Masson, not advisable to restrict Indians to close season, 360 ; to Mr. Power, sub-sect. *b* to stand ; title of B., &c., 360.
Again in Com.—Cl. 27 : *m.* to insert 1st Jan., 1896, to bring Act into operation, 364 ; reply to Mr. Power, delay to enable notices to be given, 364.
3rd R. *m.*, 364.
Commons Amts. : non-concurrence in change "Keewayden" *m.*, 466 ; concurrence in other Amts. *m.**, 466.

**BOWELL, Hon. Mackenzie**—*Continued.*

North-west Mounted Police Acts Consolid. B. (121.)
Introduced*, 631.
2nd R. *m.* and B. explained, 632; replies to Mr. Lougheed, vet. surgeon's pay, 633; ques. of graduated salaries, 633-4.

North-west Terries., Boards of Trade B. *See* "Boards of Trade."

North-west Terries. Freight rates. *See* "C.P.R."

North-west Terries. Representation Act Amt.; ballot voting, provision for; B. (5).
On M. (Mr. Angers) for 2nd R., on Mr. Power's speech: a ques. as to voting of Dom. officials in 1878, 462.

North-west Terries. School Question.
On M. (Mr. Bernier) for school ordinances, Orders in Council, &c.; comments on Mr. Scott's speech, 122-3-4.
On M. (Mr. Bellerose) for adjt. of debate; curtailment of debate suggested, 154; compliment to mover (Mr. Bernier), 155.
In debate: on Mr. Power's speech: Mr. McCarthy's politics, 172; Mr. Meredith's hostility to Catholics, 172; Ont. Conservative hostility, 173; ques., school hours, 175.
On the M. and constitutional and political questions involved, 188, 190, 191-3-4-5-6.
On Mr. Bernier's second M. on the subject, and the Speaker's saying it should stand, 197.
Petition presented, from Quebec Bishops, in relation to school laws of N.W.T., 331; reply to Mr. Bellerose, printing should take usual course, 331.

Notes, Dominion, B. *See* "Dominion."

Nova Scotia, Elections in 1878.
Ques., on Mr. Power's speech on 2nd R. of N.W.T. ballot voting B., 462.

Nova Scotia Schools, *referred to under:*
"Man. and N.W. Schools question."

Ocean Steam Communication, increased.
In debate on the Address, 38-9. Replies to Mr. Power, 46, 47.

Ontario Separate Schools, *referred to under:*
"Man. & N.W.T. Schools question."

Order and Procedure, on points of.
*Bill, Commons Amts.*—Concurrence in some only: in debate on Mr. Lougheed's M., Trust Corporation B.: the proper procedure suggested, 631.
*Bill framed on advice of Hudson Bay officials.*—On Mr. Power's remarks that if Senate is to take B. (preservation of game in N.W.T.) as presented, its legislation is a farce, 336.
*Bill, not a public one.*—That Mr. Boulton's B., for construction of Hudson Bay Ry. as a public work, is a private B., 478.
*Bill, principle of, discussion.*—In Com. on Insolvency B., held the principle cannot be discussed in Com., and that no member could reserve a right to do so, 503. On Mr. Dickey's protest, previous arrangement in this case admitted, 505, 506. Misunderstanding further explained, 550.
*Bill, proper cl. to be amd.*—Debate in Com. on Insolvency B., as to proper cls. to be amd., defining classes to whom B. shall apply, 502.

**BOWELL, Hon. Mackenzie**—*Continued.*

Order and Procedure—*Continued.*
*Bill, proper mode of amending cl.*—The ques. form of definition (above) also discussed, 510.
*Bill, provision for penalties.*—On N.W.T. game preservation B., and Mr. Lougheed's contention that burden of proof should not be on the accused: comparison with Customs law, 341-2. See also debate on penalties, in previous cls. of this B., 340.
*Bill, 2nd R. does not commit to principle.*—Pointed out (on Insolvency B.) that Rule merely says principle is usually debated at 2nd R.; the 2nd R. of this B. urged, 248.
*Bill, 3rd R. same day as reported.*—On Public Harbours B., held that as Com. of W. had only corrected clerical errors, B. might pass 3rd R. same day, 277.
*Bills, constitutional points of.*—Insolvency Act, decision of Imperial Privy Council on Provincial Acts, 97, 234.
*Bills, private, extension of time for.*—That Govt. has no objection, 155; on Mr. Vidal's remarks: as H. of Commons has not extended time, not advisable for Senate, 155. On Report of Standing Orders Com., that time for reporting on Private Bs. be extended to end of Session: held that Rule should be adhered to, but it does not interfere with Bs. coming up from Commons, 283-4-5.
*Cablegrams, unreliable, attention to.*—On Behring Sea Inqy., suggested that news cablegrams be not noticed, as they come through U. S. sources and are unreliable, 226.
*Circulars, Govt., distribution of.*—On complaint that circulars sent to hay dealers were not distributed in Maritime Provinces, 493.
*Committee, Internal Economy, change of name.*—Unanimous consent, for adoption of cl. of Com. of Selection, suggested, 98.
*Committee on Insolvency B.*—On Notice of M. for reference (after 2nd R.) to a Joint Com.; large Com. of Senate being preferable, that Notice be dropped, 225. Notice for a Com. of 25; may be enlarged, 227. Sub-coms. may be formed, 249.
*Committee on Rules, draft of last Session.*—Notice of M. first given for reference of draft to Com. of the W., 25. Notice for reference of draft to a Special Com. to consider, 67. M. (with leave for substitution) for appt. of a Special Com. to consider and revise Rules of Senate, 68.
*Committees, Standing, appointment of.*—Ques. as to adoption of Report of Com. of Selection as a whole, 98.
*Constitutional questions.*—See "Man. & N. W. Schools," debate.
*Debate, curtailment of.*—Inexpediency of protracted debate on Manitoba Schools question pointed out, 154.
*Debate on subjects already discussed in Senate.*—On Mr. Power's remarks, and objection of Mr. Ferguson (Niagara) thereto, to effect that the ques. had already been discussed in Senate, 222.
*Debate, previous, reference to.*—That Mr. Perley's reference to debate on I. C. R. and C. P. R. rates was contrary to Rules, in Hudson Bay Ry. B. debate, 478.
*French Translators, additional.*—Necessity explained, 229; M. for employment, 272. Further *re* translators, 300.

**BOWELL, Hon. Mackenzie**—*Continued.*

Order and Procedure—*Continued.*

*Ms. on similar questions put together.*—Mr. Bernier's M. for papers respecting N. W. T. Schools, having been agreed to, the Speaker said that the M. respecting Man. Schools should stand; but reference was made to the agreement that both subjects were to be discussed together.

*Newspaper report, erroneous.*—Ques. of Privilege on Ottawa *Citizen* report of debate on Insurance B. (p. 837), 857.

*Orders of the Day.*—That resumed debate in Dillon Divorce case, should stand first, instead of tenth, on the Order paper, 406; further remarks, 406.

*Printing of Bills, &c.* *See* "Printing" (below).

*Provinces, dictation to, on taxation.*—Pointed out (on Mr. Boulton's M. for 2nd R. of B. for Hudson Bay Ry. construction as a public work) that it is absurd to dictate to Provinces as to their self-taxation, 478.

*Report, printing of.*—On Mr. Ferguson's request for printing of Sir D. Fox's report on P. E. I. tunnel, Notice of M. suggested, 545.

*Session, last, work of, not continued.* *See* "Com. on draft of Rules" (above).

Ottawa Citizen, erroneous report.

Ques. of Privilege: report of debate on Insurance B. (p. 837), 857.

Pacific Steamships. *See* "Ocean communication."

Paper export. *See* "Tariff and trade matters."

Parliament, Date of Calling.

Reply to Mr. Scott's remarks, in speech on the Address, 23.

Parliamentary Witnesses' Oaths Act, 1894; B. (90).

On Order for consideration of Amts. of Com.: request that B. stand (temporarily), 407.

Pensions, Militia Officers. *See*
"Militia Staff Officers, retiring allowances."

Pictou Harbour, N.S., Acts, Amt.; giving title of wharf constructed to the Commission; B. (F).

Introduced and explained, 199.
2nd R. *m.* and B. further explained, 227.
In Com. of the W.—to Mr. Power: New Glasgow wharf, explanation, 252.
3rd R. *m.**, 264.

Prince Edward Island, Schools question.

Referred to under "Man. and N. W. Schools."

——— Tunnel scheme, financial claims, &c.

Reply to Inqy. (Mr. Ferguson, P.E.I.): intention to proceed with borings this summer, 497.
On M. (Mr. Ferguson, P.E.I.) for correspondence. On his request for printing of Sir D. Fox's report, M. suggested, 545.

Printing, delays in, and quantities of.

On postponing 2nd R. of Insolvency B.: delay in printing French edition will be inquired into, 228.
On *m.* 2nd R., more translators prove necessary, 229.
M. for 2,500 copies of same B., 134; to Hon. Senators, larger supply if desired, 249.
On Mr. Masson's protest against delay in French edition of Youthful Offenders B., 300.
Explanation from Queen's Printer, respecting papers in Dillon Divorce case, 406.

**BOWELL, Hon. Mackenzie**—*Continued.*

Private Bills, Extension of Time for.

That Govt. has no objection, 155; on Mr. Vidal's remarks: as H. of Commons has not extended time, not advisable for Senate, 155.
On M. (Mr. Lougheed) to adopt 15th Report of Standing Orders Com., extending time for reporting on Bs. till end of Session: held that Rule should be observed, but it does not interfere with Bs. from Commons, 283-4-5.

Privilege, Question of.

Ottawa *Citizen* report of debate on Insurance B. (p. 837), 857.

Prohibition Commission Rept., presentation of.

Reply to Inqy. (Mr. McClelan): will be inquired into, 348.
Reply to further Inqy. (Mr. McClelan): will obtain information, 361; preliminary Report being prepared, will be at once printed and tabled, 365.

Public Harbours B. *See* "Harbours."

Railway Act Amt.; shelter for motormen on Electric Ry. cars; B. (14).

Introduced*, 427.
2nd R. *m.* and B. explained, 465.
3rd R. *m.**, 496.

Railway subsidies B. (169).

Suspension of Rule, and
2nd R. *m.*, 865.
3rd R. *m.**, 867.
*See also* "C. P. R. manufacture drawback B."
"C. P. R. land subsidy B."

Railway Subsidies (land) B. (158).

Suspension of Rule, and
2nd R *m.*, 861.
In Com. of the W.—Votes explained; Rocky Mountain Ry. Co.; C. P. R., Pipestone Branch, 862; reply to Mr. Kaulbach, 862.
3rd R. *m.**, 863.
*See also* "C. P. R. land subsidy B."

Redistribution Act, enforcement. *See:*
"Electoral Franchise Act Amt."

Reformatories. *See* "Youthful offenders, Bs."

Reformed Baptist Church Incorp. B. *See*
"Baptist."

Retiring Allowances, Militia. *See* "Militia Staff Officers, retiring allowances."

Revenue Officers, prosecutions. *See* "Audit Act Amt. B."

Rocky Mountain Ry. Co., land subsidy.

Explanation in Com. on Ry. land subsidies B., 862.

Roman Catholic Schools Question. *See:*
"Man. and N. W. T. Schools."

Rules, Revision of the.

Notice of M. for reference of draft to Com., 25; further notice, 67; M. for Special Com. to revise Rules, 68.
On presentation (Mr. Power) of report of Special Com., M. for suspension of rules 14 and 18 (for adoption of Report), 87.

St. John, N.B., Harbour, Limits. *See:*
"Harbours, Public, B."

**BOWELL, Hon. Mackenzie**—*Continued.*

Schools, Separate, Man. and N.W.T.
On M. (Mr. Bernier) for copies of School ordinances, Orders in Council, &c. Comments on Mr. Scott's speech, 124.
On M. (Mr. Bellerose) for adjt. of debate; curtailment of debate suggested, 154; compliment to mover (Mr. Bernier), 155.
In debate, on Mr. Power's speech: Mr. McCarthy's politics, 172; Mr. Meredith's hostility to Catholics, 172; Ont. Conservative hostility, 173; ques., school hours, 175.
On the M., and the constitutional and political questions involved, 188, 190, 191-2-3-4-5-6.
On Mr. Bernier's second M. on the subject, and the Speaker's saying it should stand, 197.

Seal Fishery. *See* "Behring Sea."

Seamen's Act Amt.; Master's lien on vessel for disbursements, &c.; B. (13).
Introduced*, 365.
2nd R. *m.*; same as B. of last year, 407. Reply to Mr. Kaulbach, relief of our seamen by foreign nations, 407.
In Com. of the W.—B. further explained, 425; to Mr. Kaulbach: on ques. as above, will obtain information, 425.
3rd R. *m.*; comments on 1st cl., 427; Amt. (Mr. Power) respecting liens for disbursements, accepted, 428.

Senate Adjournments.
(21st March.) Notice of M. for adjt. till 27th*, 67; adjt. till 28th *m.**, 69.
(Ascension Day, 2nd May.) On M. (Mr. Perley) for adjt. till 15th: Amt. *m.*, till 7th, 309; Amt. (with the M.) withdrawn, 309. (Adjt. till the 4th discussed and carried, 310-11.)
(27th June to 3rd July.) M. for, with remarks, 630.

Senate and Commons, Witnesses. *See* "Parly. Witnesses B."

Senate Committees, Appointment of.
Appointments, recommendation for, deferred till new Rules are adopted, 25.
Rules of the Senate: Notice of M. for reference of draft to Com., 25; further notice, 67; M. for Special Com. to revise Rules, 68.
M. (under new Rules) for appointment of Com. of Selection, to nominate Standing Coms., 87.
On Order for consideration of Report of Com. of Selection: ques. as to its adoption as a whole, 98.
Library and Printing, Joint Coms., adoption of Report of Com. of Selection respecting *m.*, 98.
Standing Orders Com., adoption of Report respecting *m.*, 98.
Banking, Railways and Private Bs., adoption *m.*, 98.
Debates, Divorce and Restaurant, adoption *m.*, 98.
Internal Economy Com., adoption *m.*, 98; change of name from Contingt. Accts. Com., unanimous consent for adoption of this cl. suggested, 98.

Senate, Extra Sittings.
M. for (July 20), 857.

Senate, Invitations to Floor of.
Sir H. Wrixon, Victoria, 636; Hon. N. Fitzgerald, 639.

Senators, Deceased; Remarks on Death of.
(Sir John Abbott, Hon. Messrs. Boyd, Montgomery), 4.

**BOWELL, Hon. Mackenzie**—*Continued.*

Senators, deceased—*Continued.*
(Hon. Mr. Carvell), 6.
(Hon. Mr. Botsford), 25.
(Hon. Mr. Flint), 563.

——— Funeral Expenses (Messrs. Flint and Glasier), M. for payment of, 687, 688.

Separate Schools. *See* "Schools" (above).

Sessions, Extra, of Senate.
M. for (July 20), 857.

Session of Parlt., Date of calling.
Reply to Mr. Scott's remarks, in speech on the Address, 23.

Ships, Inspection of, B. *See* "Inspection."

——— *See also* "Steamboat Inspection Act."

Ships, Liens on. *See* "Seamen's Act Amt. B."

Ships, Masters' and Mates' certificates. *See* "Masters, &c."

Ships, Safety of, Act, Amt.; definition of ports; six feet deck-loads allowed, to W. I. and Newfld.; B. (G).
Introduced and explained, 199.
2nd R. *m.* and B. further explained, 251; reply to Mr. Power, definition of W. I. ports, 251.
In Com. of the W.—On 1st cl., and remarks of Mr. Power, six foot deck-load, with permission to go to S. America, &c., 281.
On 3rd cl.: Amt. (Mr. Power) adding S. America, agreed to, 282; on remarks of Mr. Macdonald (P.E.I.), vessels not likely to round Cape Horn, 282.
On title of B.: to Mr. Scott, deviation of B. from principle of English deckload law, 282.
3rd R. *m.**, 286.
Commons Amts., explained and concurrence *m.*; interpretation "S. America," &c., 629.

South America, trading to. *See:*
"Ships, safety of, Act, Amt. B."

Standing Orders Com., 15th Report of.
On M. (Mr. Macdonald, B.C.) for adoption, extending time for reporting on Private Bs. till end of session: held that rule should be adhered to, but that it does not interfere with Bs. from Commons, 283-4-5.

Stanley of Preston, Lord.
Eulogies of, as Governor Gen., in speeches on the Address, joined in, 23.

Steamboat Inspection Act Amt. B. (137).
Introduced*, 635.
2nd R. *m.*, (same B. as last year) 637. To Mr. Kaulbach: cls. already enacted, 638.
(3rd R. *m.* by Mr. Angers*, 676).

Steamship Communication. *See* "Ocean Communication."

Street Cars, Motormen, &c., protection. *See:*
"Railway Act Amt. B."

Street, Major, retiring allowance.
Reply to Inqy. (Mr. Boulton), and on general ques. of pensions, 143.

Subsidies to Railways. *See* "Railways."

Sugar, Beet, manufacture, Bounty.
Remarks on 2nd R. of Iron bounty B., 868.

**BOWELL, Hon. Mackenzie**—*Continued.*

Sugar duties. *See* debate on:
"Customs Duties Acts Consolid. B."

Sugar Industry. *See also* "Tariff matters" (below).

Sunday Observance B. *See* "Lord's day."

Supply Bill (171).
On Message from Commons and 1st R.: Suspension of Rules, and
2nd R. *m.**, 864.
3rd R. *m**, 864.

Tariff and Trade matters.
In debate on the Address. On Mr. Scott's speech: U.S. and Canadian policies, 23-4-5; volume of trade, 24-5, 27; farming and lumber industries, 28; agricultural implements and protection, 28-9; trade with Australia and U.S., 28-9; with England, 30; P.E.I. dairying and animal exports, 30; other exports and the fiscal policy, 31-2-3; cotton and sugar industries, 35; protection advocated, 36-7; Australian trade, 37-8.
On Mr. Power's speech: coal oil duty, 44.
On Mr. McInnes's (B.C.): Canadian tariffs and excise collections, 61.
On Mr. Boulton's: drawback on manufacturers' materials, U.S. and Canada, 79; U.S. paper export to England, 81.
*See also* "Customs duties Act consolid. B."
"France, Treaty with, Ratification B."
"Inland Revenue Act Amt. B."
"Iron manufacture bounty B."
"Trades Combines, B."

Taxation and deficits.
In debate on the Address, 33-4.

Temperance Legislation. *See* "Prohibition."

Territories Game Preservation Act. *See* "N.W.T."

Trade, conspiracies and combinations, restraint of; B. (AA).
On Introduction (Mr. Read, Quinté): request for explanation of object of the B., 289.

Trade. *See also* "Tariff and Trade" (above).

Translators, French, employment of.
On 2nd R. of Insolvency B.: explanation, more translators necessary, 229.
M. for Clerk to employ such as are necessary, 272.

Treaty, the French. *See* "France."

Trust Corporation of Canada Incorp. B. (D).
On M. (Mr. Lougheed) for adoption of Banking Com. Report: correction of clerical errors, 266.
On M. (Mr. Lougheed) for concurrence in some only of Commons Amts.: procedure suggested, 631.

Unorganized Terries., Game Preservation. *See:*
"N.W.T. game preservation B."

U.S. and Behring Sea Award.
In debate on the Address, 37.
Partial reply to Inqy. (Mr. McInnes, B.C.): statement in Imperial Parlt., that Canada does not claim compensation, not strictly correct, 155.
Reply: no claim under present Imperial Act; claims for past seizures not affected, 199.
Further: that Mr. Buxton denies language in Imperial Parlt. attributed to him, 226.

**BOWELL, Hon. Mackenzie**—*Concluded.*

U.S. Fiscal Policy, our relation to.
Reply to Mr. Scott's speech on the Address, 23-4; to Mr. McInnes (B.C.), 61; to Mr. Boulton, 81.

Van Straubenzie, Lt.-Col., retiring allowan e.
Reply to Inqy. (Mr. Boulton), and on general ques. of pensions, 143.

Vessels, Inspection of. *See* "Inspection of Ships B."

Vessels, liens on. *See* "Seamen's Act Amt. B."

Victoria Govt., Members of, present.
Invitation to floor of Senate, 636, 639.

Villiers, Lt.-Col., retiring allowance.
Reply to Inqy. (Mr. Boulton), and on general ques. of pensions, 143.

West Indies, Ships trading to. *See:*
"Ships, safety of, Act, Amt. B."

Western Canada Trust, &c., Incorp. B. *See:*
"Trust Corporation of Canada."

Witnesses, Parliamentary, Oaths, B. *See* "Parliamentary."

Wrixon, Sir Henry, visit of.
Invitation to floor of Senate, 636.

Youthful Offenders, separate trial, punishment, &c.; B. (Y).
On M. (Mr. Allan) for 2nd R., and Mr. Masson's protest against delays in the printing in French: steps have been taken, 300. On principle of the B.: no objection to 2nd R.: ques. as to how far other Provinces than Ont. will be affected, 305.

——— in N.B., custody of, B. *See* "N.B."

**BOYD, the late Hon. John.**

Remarks on the death of. Mr. Bowell, 4; Mr. Scott, 5; Mr. Boulton, 69.

**BURNS, Hon. K. F.**

Introduced, 229.

France, Commercial Treaty with, B. (147).
On M. (Mr. Angers) for 2nd R., and Amt. (Mr. Boulton) to return Treaty to Impl. Govt.: speech on merits of the Treaty, 787-8, 790. On Mr. Power's speech: a ques., 793.
On M. (Mr. Angers) for 3rd R.: on Mr. Tassé's speech, a ques., 842; reply to Mr. Power, 842.

**CARVELL, the late Hon. Senator.**

Remarks on the death of: Mr. Almon, 5; Mr. Bowell, 5.

**CASGRAIN, Hon. Charles Eusèbe.**

Address in answer to Speech from the Throne.
M. (Mr. Ferguson, P.E.I.) for, *seconded*, 14; compliments to His Ex. the Earl of Aberdeen, 14-15; prosperity of the Dominion, Bank reports, increased ocean communication, work of the Session, 15.

**CHAFFERS, the late Hon. Wm. H.**

Death of, announced, with eulogy (Mr. Angers), 743; further remarks (Mr. Scott), 744.

**CLEMOW, Hon. Francis.**

ATLANTIC LINE. *See* "Ocean Steamship Subsidies B."

BRIDGE, INTERPROVINCIAL. *See* "Ottawa."

BROCKVILLE & N. Y. BRIDGE CO. INCORP. ACT REVIVED; B. (157).
Introduced *, 704.
2nd R. *m.* *, 704.
3rd R. *m.* *, 727.

CANADIAN MUTUAL LIFE ASSOC'N B. *See* "Colonial."

CANADIAN PACIFC RY. FREIGHT RATES.
Remarks on 2nd R. of Customs duties B., 881.

CANADIAN RY. ACCIDENT INSURANCE CO. INCORP. B. (36).
Introduced *, 426.
2nd R. *m.* and B. explained, 481.
3rd R. *m* *, 521.

CANADIAN RY. FIRE INSURANCE CO. INCORP. B. (42).
Introduced *, 426.
2nd R. *m.* and B. explained, 481.
3rd R. *m.* *, 521.

CHAUDIÈRE ELECTRIC LIGHT AND POWER CO. *See:* "Ottawa Electric Co. B. (75)."

CLIFTON SUSPENSION BRIDGE CO. ACTS AMT. B. (41).
Introduced *, 360.
2nd R. *m.* *, 408.
3rd R. *m.* *, 521.

COAL OIL, FLASH TEST, PRICE, &C.
Reply to Mr. Power, on 2nd R. of Customs duties B., 881; to Mr. Boulton, 881.

COLONIAL MUTUAL LIFE ASSOC'N INCORP. B. (K).
(Introduced by Mr. Cochrane*, 223.)
2nd R. *m.**, 252.
On Order for consideration of Amts. of Banking Com.: in view of Govt. Insurance Act Amt. B., *m.* to refer this B. back to Com., 310.
3rd R. *m.**, 364.

COMPANIES, JOINT STOCK, NEW REGNS. *See* "Joint Stock."

CONTINGENT ACCTS. *See* "Internal Economy Com."

CRIMINAL CODE AMT. B. (126).
On M. (Mr. Angers) for 3rd R.; ques., Grand Jury quorum, 752.

CUSTOMS DUTIES ACT AMT. B. (135).
On M. (Mr. Bowell) for 2nd R.; reply to Mr. Boulton's free trade policy; Liberal and Conservative policies compared; C. P. R. freight rates; coal oil flash test, &c., 880, 881.

DILLON, JAMES ST. G., DIVORCE B. (T).
(Introduced by Mr. Ogilvie*, 226.)
2nd R. *m.*, 299.
On Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence. On M. (Mr. O'Donohoe) to re-commit the Report: adjt. of debate *m.*, 425.
Ques. as to 2nd Rs. of Bs. preceding resumed debate, 406.
On the constitutional ques., and merits of the case: report of Com. supported, and action of Com. upheld, 428–431.
On Notice of M. for reconsideration of Com. Report: remark on the procedure, 482.

**CLEMOW, Hon. Francis—*Continued.***

DILLON DIVORCE B.—*Continued.*
M. to restore Report of Com. to Order paper for further consideration, 514; on the procedure, 518–19; M. amd., to include Minority Report also, 519.
M. for adoption of Com. Report, 614; at Mr. Kaulbach's request, postponement consented to, 614.
Adoption of Report *m.*, 616.
3rd R. *m.**, 619.

DOMINION ELECTIONS ACT AMT. B. (128).
Reported from Com. of the W., without Amt., 869.

DOMINION NOTES AMT. B. (165).
Reported from Com. of the W., without Amt., 860.

DOWNEY, CAROLINE J., DIVORCE B. (E).
2nd R. *m.**, 274.
3rd R., 308.

DUTIES REVISED. *See* "Customs."

ELECTRIC LIGHT INSPECTION B. (118).
On M. (Mr. Angers) for 2nd R.: that B. is premature, and should be dropped, 695.
In Com. of the W.—B. unnecessary; Inland Rev. Dept. creating offices, 741; further, 741; comment on Mr. Angers' speech, 742.
On cl. 5: variation too little, 743; change to 8 *m.*, 743.
On cl. 12: examination of inspectors advocated, 746.
On cl. 19: reply to Mr. Lougheed, meters, 747.
On cl. 37: too vague, ques. of standard, 747, 748.

ELECTRIC RYS., SHELTER FOR MOTORMEN. *See:* "Railway Act. Amt. B."

ELECTRICAL MEASURE, UNITS OF, B. (117).
In Com. of the W.—Remarks as to necessity of B., &c., 863.

FILMAN, JOSHUA N., DIVORCE B. (M).
Introduced *, 224.
2nd R. *m.* *, 289.
3rd R., 343.

FISHERIES ACT AMT. B. (145).
In Com. of the W.—On cl. 6: Amt. *m.*, new proviso, sawdust in rivers, exemptions precluded, 720. Comments on Mr. Angers' speech, 723; allowed to stand, on Govt. explanations, 724-5. On Mr. Angers' further speech, 730; stoppage of sawdust at Ottawa further urged, 735.
On subsect. 4 of cl. 18: ques., buying fish, 740.
On notice (Mr. Angers) for 3rd R.: ques. of penalties, 740.

FRANCE, TREATY WITH, RATIFICATION B. (147).
On M. (Mr. Angers) for 2nd R.: ques., fresh water fish, 758.

FRENCH RIVER BOOM CO. INCORP. B. (100).
Introduced *, 692.
2nd R. *m.* *, 692.
3rd R. *m.* *, 744.

GRAND JURY. *See* "Criminal Code Amt. B."

INSOLVENCY ACT, 1894; B. (C).
On M. (Mr. Bowell) for 2nd R.: ques. of extension to non-traders; general principle of B. supported, 242-3-4.

CLEMOW, Hon. Francis—*Continued.*

Insolvency Act—*Continued.*

In Com. of the W.—On cl. 2, sub-sect. *a*, and Amt. (Mr. McKindsey) to substitute "trader" for "debtor": principle of B. supported, exclusion of farmers advocated, 528.

On cl. 35: on Amt. (Mr. Miller) to reduce $\frac{2}{3}$ to $\frac{1}{2}$, and Amt. (Mr. McKindsey) $\frac{1}{3}$: on Mr. McKindsey's speech, a remark, 594.

On cl. 61: in debate on ranking of Banks, 601; further, 601.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) to change cl. 35 from $\frac{1}{2}$ to $\frac{2}{3}$: the Amt. supported, 606.

Inspection of Electric Light B. *See* "Electric."

Insurance Act Amt. B. (V).

Commons Amts.—On M. (Mr. Angers) for concurrence, and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to insert cl. *d* in the B.: adverse vote deprecated, Govt. urged to withdraw this cl., 836.

Internal Economy Com., 3rd Report.

On M. (Mr. McKay) for adoption, and Amt. (Mr. McInnes, B.C.) to re-commit, to increase Postmaster's salary. On the question of fixing basis for all salaries; on supervision of messengers by Serjt.-at-Arms; on number of messengers, 656, 657.

Johnson, Orlando G. R., Divorce, B. (W).

Introduced *, 263.
2nd R. *m.* *, 333.
3rd R. *m.* *, 428.

Joint Stock Cos.; Incorp., &c.: new regulations; B. (EE).

On M. (Mr. Bowell) for 2nd R.; B. approved, returns made by Cos. unsatisfactory, 524; further, 524.

In Com. of the W.—On cl. 93: inspection of Co's affairs approved; but unfair to apply to existing Cos., 583.

On cl. 195: ques., liquidation of existing Cos., 584.

Jury System. *See* "Criminal Code Amt. B."

Lord's Day, Better Observance, B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": comment on Mr. Vidal's speech: day of rest, 578.

Messengers, Senate. *See* "Internal Economy Com."

Montreal Island Belt Line Ry. B. (59.)

On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) restraining elevated line, in city, to passenger traffic: the Amt. opposed, 626.

Montreal, Ottawa and Georgian Bay Canal Co. Incorp. B. (138.)

Introduced*, 692.
2nd R. *m.**, 692.
3rd R. *m.**, 705.

N.-W. Territories Act Amt. B. (149).

Reported from Com. of the W., with Amts., 859.

Ocean Steamship Subsidies; Atlantic fast line; B. (161.)

On M. (Mr. Angers) for 2nd R.—Comment on Mr. Scott's speech, 804. The B. supported, 807, 808.

CLEMOW, Hon. Francis—*Continued.*

Order and Procedure, Question of.

*Orders of the Day.*—Ques. as to 2nd Rs. of Bs. preceding resumed debate on Dillon divorce case, 406. Further debate on ques. of restoring Minority Report as well as Report of Com. to Orders: M. thus amd., 514-19.

Ottawa and Gatineau Ry. Co. Acts consolid. B. (72.)

Introduced*, 635.
2nd R. *m.* and B. explained, 638.
Amt. of Ry. Com.: concurrence in, *m.*, 665.

Ottawa Electric Co. Incorp. B. (74).

Introduced*, 426.
2nd R. *m.* and B. explained, 481.
3rd R. *m.**, 550.

Ottawa Electric Co.; Chaudière Electric Light and Power Co.; amalgamation, name changed, &c.; B. (75.)

Introduced*, 426.
2nd R. *m.* and B. explained, 481.
3rd R. *m.* as Amd.*, 550.

Ottawa Electric Ry. Co.; amalgamation of Ottawa City Passenger Ry. Co. and Ottawa Electric Street Ry. Co.; B. (65.)

Introduced*, 426.
2nd R. *m.* and B. explained, 480.
3rd R. *m.**, 521.

Ottawa Gas Co.; borrowing powers conferred; B. (26.)

Introduced, 308.
2nd R. *m.* and B. explained, 310. Reply to Mr. Power's objection, necessity explained, 310.
3rd R. *m.**, 360.

Ottawa Interprovincial Bridge.

Govt. aid advocated, on 2nd R. of Ry. Subsidies B., 867.

Ottawa River, Sawdust. *See* "Fisheries Act Amt. B."

Petroleum, Flash Test, Price, &c.

Reply to Mr. Power, on 2nd R. of Customs duties B., 881; to Mr. Boulton, 881.

Piper, William S., Divorce B. (O).

Introduced*, 224.
2nd R. *m.**, 331.
3rd R. *m.**, 425.

Pontiac and Ottawa Ry. Co. Incorp. B. (139.)

Introduced*, 687.
2nd R. *m.* and B. explained, 704.
3rd R. *m.**, 726.

Postmaster's Salary. *See* "Internal Economy Com."

Railway Act Amt.; shelter for employees; B. (14).

Reported from Com. of the W., without Amt., 496.

Railway Subsidies B. (169).

On M. (Mr. Bowell) for 2nd R.—Aid to Ottawa Interprovincial Bridge advocated, 867.

Railway Subsidies (Land) B. (168).

Reported from Com. of the W., without Amt., 863.

Rivers, Sawdust in. *See* "Fisheries Act Amt. B."

St. Lawrence Insurance Co.'s B. (99).

Introduced*, 631.
2nd R. *m.**, 632.
(3rd R. *m.* by Mr. Ogilvie*, 665.)

**CLEMOW, Hon. Francis**—*Concluded.*

Sawdust in rivers. *See* "Fisheries Act Amt. B."

Senate Officials. *See* "Internal Economy Com."

Steamship Subsidies B. *See* "Ocean Steamship."

Sunday Observance B. *See* "Lord's Day."

Tariff. *See* "Customs Duties Act Amt. B."

Thompson, Joseph, Divorce B. (P).
Introduced*, 224.
2nd R. *m.**, 310.
3rd R. *m.**, 425.

**COCHRANE, Hon. Matthew Henry.**

Canadian Mutual Life Ins. Assoc'n Incorp. B. (K).
Introduced*, 223.
(2nd and 3rd Rs. *m.* by Mr. Clemow.)

C.P.R. rates and N.W. prosperity.
On M. (Mr. Boulton) for schedule of C.P.R. rates, and Mr. Kaulbach's speech showing prosperity in N.W.: ques. as to district, 140.

Ocean Steamship subsidies; Atlantic fast line; B. (161).
On M. (Mr. Angers) for 2nd R.—Comment on Mr. Drummond's speech: carriage of dressed beef, 821.

**DeBLOIS, Hon. P. A.**

Sault St. Louis Seigniory B. (97).
Reported from Com. of the W. without Amt.*, 664.

**DeBOUCHERVILLE, Hon. C. E. Boucher, C.M.G.**

Companies, Joint Stock, new Regns. *See* "Joint Stock."

Dillon, James St. G., Divorce B. (T).
On consideration of Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence. Comment on speech of Mr. Read (Quinté): opposition of R. C. Senators to divorces, on principle, 399.

Indian Act Amt. B. (CC).
In Com. of the W.—On cl. 2: ques., what difference from old Act, 362. On Mr. Bowell's explanation, remarks respecting squatters on Caughnawaga reserve, 362.

Insolvency Act, 1894; B. (C).
In Com of the W.—On cl. 3, and Amt. (Mr. McKindsey) to define classes of debtors. On Mr. MacInnes's speech: no insolvency law in Quebec, 554.

Library Committee, Report of.
On M. (Mr. Allan) for adoption, recommending commemoration plate of first steamship across Atlantic, and purchase of books: not customary to take up such a Report, until adopted in Commons, 309.

Joint Stock Cos., Incorp., &c.; new Regulations; B. (E E).
In Com. of the W.—On cl. 195: ques., whether provisions as to watering stock apply to existing Cos., 583.

**DeBOUCHERVILLE, Hon. C.E. Boucher, C.M.G.**—*Concluded.*

Man. & N. W. T. Schools question.
On M. (Mr. Bernier) for ordinances, correspondence, reports, &c.—On Mr. Lougheed's speech: ques., normal school qualifications, 151; certificates in Ont., 152; Ont. & Man., 153.

Montreal Harbour Commissioners Acts consolid.; B. (S).
On proposal of Mr. Bowell to *m.* 2nd R.: should not proceed until printed in French, 227.
In Com of the W.—On cl. 25: ques. as to Dom. law over-riding Provincial, 317; point debated, and held that this cannot be done, 317.
On cl. 47: exemption from jury service, &c.: ques. whether this can be done, 320.
On M. (Mr. Bowell) for concurrence in Commons Amts.: ques., control of river when frozen over, 628, 629.

N. W. T. Game Preservation B. (Z).
In Com of the W.—On cl. 17: remark on disposal of confiscated animals, &c., 340.

Order and Procedure, Questions of.
*Bill not printed in French.*—That 2nd R. of Montreal Harbour Commissioners B. should not proceed till printed, 227.
*Committee, Joint, Report.*—Library Com.'s Report, recommending purchases: not customary to take up, until adopted in Commons, 309.
*Commons, Amts., partial concurrence.*—Suggestion to refer matter to Com. for report of proper Amts., 631.
*Constitutional Questions.*—See debate on "Montreal Harbours Acts Consolid. B."
*Divorce procedure.*—Opposition of R. C. Senators to divorces, on principle; comment on speech of Mr. Read (Quinté) in Dillon case, 399.

Prince Edwd. Island, Tunnel scheme, &c.
On M. (Mr. Ferguson, P.E.I.) for correspondence. Comment on English channel sub-way, 548.

St. Lawrence & Adirondack Ry. Co's B. (39).
3rd R. m. (in absence of Mr. Landry) *, 384.

Trust Corporation of Canada Incorp. B. (D).
On. M (Mr. Lougheed) for partial concurrence in Commons Amts.: suggestion to refer matter to Com. for report, 631.

Youthful Offenders, separate trial, imprisonment, &c.; B. (Y).
On M. (Mr. Allan) for 2nd R.—Ques., institutions in Ont. only, 304.

**DESJARDINS, Hon. Alphonse.**

Electrical Measure, units of, B. (117).
Reported from Com. of the W., without Amt., 864.

France, Treaty with, ratification B. (147).
On M. (Mr. Angers) for 2nd R.—Ques. on his speech, tariff arrangements, 760; further, 760. Comment on Mr. Scott's speech, 766, further, 766.
Reported from Com. of the W., without Amt., 825.

Holidays Act Amt.; Labour Day; B. (106).
On M. (Mr. Bowell) for 2nd R.: the B. opposed, 620.

Labour day. *See* "Holidays Act Amt."

**DESJARDINS, Hon. Alphonse**—*Concluded.*

Montreal Harbour Commissrs. Acts consolid. B. (S).

In Com. of the W.—On 5th and 6th cls. being held over by Mr. Bowell, in view of correspondence respecting limits: enquiry for a plan, to show present and proposed limits, 312.

On 8th cl.: remarks on responsibility of Govt., to prevent local interests interfering with through traffic, &c., 312. On deficiencies of the Commission as constituted; Montreal interests conflicting with national traffic, 314.

On 16th cl.: on Mr. Power's objection to Commissrs. fixing their own salaries, 315, 316.

On 18th cl.: further on the Commissrs. being influenced by local interests, 316; reply to Mr. Power, shipping officer appointed from outside more independent, 316.

On 35th cl.: ques. as to amount available under present borrowing powers, 319; remark as to effect of sub-cl. 3 on borrowing power, 319.

On 36th cl.: on Mr. Power's objection as to advertising: systems of auctions explained, 320.

Commons Amts.—On M. (Mr. Bowell) for concurrence in: on Mr. DeBoucherville's ques., control of the river when frozen, 628.

Montreal Harbour Improvements.

M. for Reports and correspondence; also reports of progress and expenses incurred to date; contracts; and correspondence respecting access of Rys. to wharfs, 278.

Montreal Island Belt Line Ry. Co.'s B. (59).

On M. (Mr. Tassé) for 2nd R., and Mr. McCallum's remarks: that objections can be met in Com., 565.

On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) to restrict elevated line to passenger traffic in city: the Amt. opposed, 624, 625.

Parliamentary Witnesses Oaths Act, 1894; B. (90).

Reported from Com. of the W., with Amts., 365.

Petroleum Inspection Act Amt. B. (122).

Reported from Com. of the W., without Amt., 702.

**DEVER, Hon. James.**

Address in answer to the Speech from the Throne.

On motion (Mr. Ferguson, P.E.I.) for.—On Mr. McInnes's (B.C.) speech: English tariff, 61; customs and excise duties, 61. On Mr. Angers': protection in the U.S., 65.

Atlantic Fast Line. *See* "Ocean steamship subsidies B."

Ballot Voting in N.W.T. Bill. *See* "N.W.T."

Baptist, Reformed, Alliance Bill. *See* "Reformed."

Coal Oil, Inspection of, Bill. *See* "Petroleum."

Combinations in Restraint of Trade B. *See* "Trade."

Consolidated Revenue and Audit Act. *See* "Revenue, &c."

Contingent Accts. Com. *See* "Internal Economy."

Criminal Code Amt. B. (126).

On M. (Mr. Angers) for 3rd R.—Remarks on the reduction of Grand Jury quorum, 754.

**DEVER, Hon. James**—*Continued.*

Customs Procedure complained of.

Instance of hardship quoted, in Com. on Revenue and Audit Act Amt. B., 662-3-4.

Dillon Divorce B. (T).

On M. (Mr. Clemow) for 2nd R., and proposed Amt. (Mr. Bellerose) six months "hoist," both parties being R. Catholics: remarks, 299.

In debate on Com. Report in favour of B., and Minority Report (Mr. Kaulbach) that Com. ruled out questions and excluded evidence; on Mr. Scott's speech: comments, the petitioner cannot be R. C., 391.

On Mr. Kirchhoffer's speech: definition of religion, 439; further on religious issue, 439. Amt. (Mr. Landry) to re-commit the B. for further evidence, supported, 454-5.

Distillers, prices charged by.

Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B., 354; further, 354.

Electric Light Inspection B. (118).

In Com. of the W.: on Mr. Angers' remarks, 742. Inland Rev. Dept., and its unnecessary officers, protested against, 742.

Elgin and Havelock Ry. Co. Incorp. B. (40).

Introduced*, 347.
2nd R. *m.**, 363.
3rd R. m.*, 384.

Fisheries Act Amt. B. (145).

In Com. of the W.—On sub-cl. 12: brand of the packer preferable to that of an inspector, such offices opposed, 714; lobster inspection, 716.

On cl. 4: Sunday protection of fish supported, 717-18-19, 720.

Again on cl. 4: Sunday protection advocated, St. John charter being respected, 728-9.

On cl. 6: on Mr. Clemow's proposed Amt., sawdust in rivers, precluding exemptions, 734-5.

On cl. 8: confiscating boats approved, 736.

Remarks on fish planting, 740.

France, Treaty with, ratification B. (147).

On M. (Mr. Angers) for 2nd R.—On Mr. Power's comment, 755. On Mr. Angers' speech, 757; on his comment on Mr. Scott's speech, 763. On Mr. Scott's speech, a ques., 764.

On Amt. (Mr. Boulton) to return Treaty for further negotiations. Comments on his speech, 769, 770, 771, 773, 775-6-7. Subject reviewed and Treaty supported, 781-2-3. Comment on Mr. Drummond's speech, 786; on Mr. Power's speech, 792; further, 792.

In Com. of the W.; reply to Mr. McCallum, 824.

Glasier, the late Hon. Senator.

Eulogy upon, 680.

Grand Jury panel, Quorum of.

Remarks on 3rd R. of Criminal Code Amt. B., 754.

Harbours, Public, Acts Amt.; power of Govt. to define, and to extend area, &c., B. (U).

On M. (Mr. Bowell) for 2nd R. On Mr. Power's speech: navigability, &c., of St. John harbour, 276.

Hay Inspection. *See* "Inspection, General, Act, Amt."

Homestead Exemption Repéal B. (104).

Reported from Com. of the W., without Amt.* 627.

**DEVER, Hon. James**—*Continued.*

Inland Revenue Act Amt. B. (158).

In Com. of the W.—On 2nd cl.: comments on spirit manufacture for export, &c., 852.

On cl. 4: malt from native grain further advocated, 853-4.

Inland Revenue Department.

Useless Bills complained of (Petroleum Inspection Act Amt. B.), 690, 691.

The Dept. and its unnecessary officers, protested against (Electric Light Inspection B.), 742.

Insolvency Act, 1894; B. (C).

In Com. of the W.: held that principle of B. was accepted when House appointed special Com., &c., 507.

Again in Com.—On cl. 3: on Amt. (Mr. McKindsey) defining classes of debtors, 553.

On Amt. (Mr. Power) B. not to apply to others than traders: comment on Mr. Prowse's speech, 66c. payment, 560.

On cl. 35: Amt. (Mr. Miller) to reduce ⅔ payment to ½, and Amt. (Mr. McKindsey), ⅓: recommendation of Com. supported, 595.

On cl. 61: that bankers should be no more protected than others, 602.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Scott) to sec. 35, proportion or amount fixed in composition deed: the Amt. opposed, work of Special Com. supported, 611-12.

Inspection, General, Act, Amt.; Hay Inspection; B. (125).

In Com. of the W.—Remarks: best descriptions of hay, 489; on baling and warehousing, 490, 492; shipment in good order, 494; proof thereof, 494.

Again in Com.—On Amt. (Mr. Power) defining dyke hay as mixed hay: mixed marsh hay suggested, 526. On Mr. McClelan's remarks: a ques., 526. On ques. of grading mixed hay after timothy, 526.

Inspection of Petroleum, B. *See* "Petroleum."

Insurance Act Amt. B. (V).

Commons Amts.—On M. (Mr. Angers) for concurrence, and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt. to insert cl. *d* in the B.; on Sir F. Smith's speech: ques., dividend of Toronto Gas Co., 834.

Interest Act Amt. B. (129).

On M. (Mr. Bowell) for 2nd R. The rate in N.B. explained, 636.

Internal Economy Committee, 3rd Report.

On M. (Mr. McKay) for adoption, and Amt. (Mr. McInnes, B.C.) to re-commit to increase Postmaster's salary: favouritism opposed; the Amt. supported; ques. of control of messengers, 657, 658.

Judges, Provincial Courts, Salaries B. (155).

In Com. of the W.—Remarks on appt. and salary of Judge Watters, 703, 704.

Juvenile Offenders in N.B., B. *See* "N.B."

Lobster Packing. *See* "Fisheries Act Amt."

Lord's Day, Better Observance, B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": the B., though not sweeping enough, supported, 579.

Manufactures Affected by French Treaty. *See* "France, Treaty with."

**DEVER, Hon. James**—*Continued.*

Messengers, Control of.

Remarks on 3rd Report of Internal Economy Com., 658.

Mounted Police Bill. *See* "N.W.M. Police."

New Brunswick, Custody of Juvenile Offenders; B. (GG).

Reported from Com. of the W., without Amt., 565.

N.W. Mounted Police Acts Consolid. B., (121).

In Com. of the W.—On cl. 9: ques., powers of constables in other Provinces, 648.

N.W.T. Representation Act Amt.; Ballot Voting; B. (5).

Progress reported from Com. of the W., 486, 498.

Reported from Com., with Amts., 615.

Ocean Steamship Subsidies; fast Atlantic line; B. (161).

On M. (Mr. Angers) for 2nd R.—Comment on Mr. Angers' speech, St. John the winter port, 801; St. John advocated as winter port, 806-7.

Petroleum Inspection Act Amt., B. (122).

On M. (Mr. Angers) for 2nd R.—Ques., any fault with former test, 689; experience with American oil, 689, 690; useless Bs. of Inland Rev. Dept., 690, 691.

Postmaster, Senate, Salary of.

M. (Mr. McInnes, B.C.) to re-commit Internal Economy Com. Report, for increase, supported, 657-8.

Provincial Court Judges. *See* "Judges."

Reformed Baptist Church Alliance Incorp. B. (84).

Reported from Private Bs. Com., with Amts., 615.

Revenue and Audit Act Amt., B. (127).

In Com. of the W.—On sub-sect. 6, cl. 1: probable cause for seizure; comments on customs procedure, instance of hardship quoted, 662-3-4.

St. John City, Imperial Charter.

Remarks in Com. on Fisheries Act. Amt. B., 728-9.

St. John, County Court Judge. *See* "Watters."

St. John Harbour as winter port, &c.

Remarks on 2nd R. of Ocean Steamship Subsidies B., 801, 806-7. *See* also "Harbours, Public, B." debate on.

Sawdust in rivers.

Remarks in Com. on Fisheries Act Amt. B., 734-5.

Seizure, Custom House. *See* "Customs."

Senate Officials. *See* "Internal Economy Com."

Senator, Deceased.

Hon. John Glasier: eulogy, 680.

Spirits, manufacture. *See* "Inland Rev. Act."

Sunday Observance B. *See* "Lord's day."

Trade, combinations in restraint of, Act, Amt. B. (AA).

Comments on remarks of Mr. Read (Quinté) in *m.* 2nd R.: prices charged by distillers, 354; further, 354.

Watters, Judge, appt. and salary of.

Remarks in Com. on Judges of Provincial Courts salaries B., 703, 704.

**DEVER, Hon. James**—*Concluded.*

Whiskey, manufacture. *See* "Inland Rev. Act."

Wine, Native, manufacture. *See:*
"France, Treaty, ratification B."

**DICKEY, Hon. Robert B.**

Address in answer to Speech from the Throne.
On M. (Mr. Ferguson, P.E.I.) for.—On Mr. Power's speech: trade with G. B., change in values, 40.

Atlantic & N. W. Ry. Co.'s B. (30.)
Reported from Ry. Co., with Amt., which explained; advertising as to agreements with other Cos., 309.

Botsford, the Hon. Amos E.
Remarks on the death of, 26.

Bribed Voters, disfranchisement of, B. *See* "Voters."

Children, punishment. *See* "Youthful Offenders B."

Committees, Standing. *See* "Senate Committees."

Companies, Joint Stock, new Regns. *See* "Joint Stock."

Criminal law, administration of. *See:*
"Youthful Offenders, B."

Dillon, James St. G., Divorce B. (T).
On Report of Com. in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence. Review of the case; raising of question of petitioner's creed objected to; on the questions of law, and public policy; on the evidence; and on the practice in Divorce Com., 416-7-8-9.
On Notice of M. for future re-consideration of Com. Report: that Ques. of Order will be raised, 482.
On M. (Mr. Clemow) to replace Com. Report on Order paper for consideration, and the Amts. thereto: remarks on the better procedure, 520.

Disfranchisement of bribed voters, B. *See* "Voters."

Duluth, Nepigon & James Bay Ry. Co. Incorp. B. (37).
3rd R. m. (in absence of Mr. Perley) *, 366.

Flint, the late Hon. Senator.
Remarks upon the decease of, 564.

General Inspection Act Amt. *See* "Inspection."

Great Britain, trade with.—*See* "Trade."

Hay, Inspection of.—*See:*
"Inspection, General, Act, Amt. B."

Insolvency Act, 1894, B. (C).
On M. (Mr. Bowell) for 2nd R.—On constitutional points, and on the practical question, 232-3-4. Reply to Mr. McClelan: Privy Council decision on Provincial insolvency legislation, 234. On Mr. Scott's speech: ques. on Ont. law, 247. On Mr. Bowell's remarks, distribution of B. to classes interested, 249.
In Com. of the W.—On principle of the B., 504; on objections taken: that such was understanding on 2nd R., 505; who desired this B., 505. On Mr. Bowell's speech: proper time for discussing principle of B., 506.
On Amt. (Mr. McKindsey) B. to apply to traders only, 509.

**DICKEY, Hon. Robert B.**—*Continued.*

Insolvency Act—*Continued.*
On Mr. Bowell's further explanation of misunderstanding on the procedure, 551.
On cl. 3.—On Amt. (Mr. McKindsey) defining two classes to whom B. shall apply, 553. On speech of Mr. MacInnes (Burlington): ques. as to Provincial law, 554. On Mr. Bowell's definition of the various views held, 558; further, 558.
Again in Com.—A scale of fees advocated, 580.
On M. again into Com.—Opinions of correspondents read; comments on B. as amd.; action of Govt. commended, 586-7.

Inspection, General, Act, Amt.; hay inspection; B. (125).
In Com. of the W.—On 2nd cl.: explanation requested, whether inspection obligatory, and as to grading for export, 487.
Again in Com.—Amt. suggested, to define dyke hay, 525; that hay explained, 525.

Joint Stock Cos., Incorp., &c., new Regulations; B. (EE).
In Com. of the W.—On the ques. of application of liquidation provisions to existing Cos., 584.

Justice, Administration of. *See:*
"Youthful Offenders, B."

Juvenile Offenders. *See* "Youthful Offenders B."

Lindsay, Bobcaygeon and Pontypool Ry. Co.'s B. (29).
Reported from Ry. Com.*, 277.

Metis, Matane & Gaspé Ry. Co. Incorp. B. (78).
3rd R. *m.* (in absence of Mr. Pelletier)*, 613.

Moncton & P. E. I. Ry. & Ferry B. (I).
Reported from Ry. Com., with Amts., which explained, 288.

Montreal Harbour Commissrs.' Acts consolid. B. (S).
In Com. of the W.—On cl. 16: Mr. Power's suggestion, that by-law fixing commissioners' fees be subject to Govt. approval, opposed, 316.
On cl. 47: that question of right to exempt from jury service, &c., should be considered before enacting, 320.

Montreal Island Belt Line Ry. Co.'s B. (59).
Reported from Ry. Com., with Amts., which explained, 603.

Niagara Grand Isld. Bridge Co.'s B. (32).
3rd R. *m.* (in absence of Mr. Ferguson, P.E.I.)*, 366.

Order and Procedure, questions of.
*Bill, principle, time for discussing.*—That such discussion, on Insolvency B., was, by agreement, in Com. of the W., 506; but Mr. Bowell agreed with, that proper time would have been on M. into Com., 506. On Mr. Bowell's further explanation, 551.
*Com. Report, restoration to Orders.*—See the debate on "Dillon Divorce case."
*Committee, Standing Orders.*—On M. for appt.: that there are no Western Members; request for substitution of Mr. Kirchhoffer, 98.
*Com., Standing Orders, Report.*—In favour of suspension of Rule, for Petition for a B.; on Mr. Miller's M. for suspension of Rule accordingly: adoption of Report also, suggested, 497.

**DICKEY, Hon. Robert B.**—*Concluded.*

Order and Procedure—*Continued.*

*Committees, Standing, Appointment.*—On ques. (Mr. Bowell) of adopting Report of Com. of Selection as a whole: that practice has been to appoint Coms. separately, 98.

*Constitutional questions.*—Remarks on Insolvency B.: Privy Council decision on Provincial Insolvency legislation, 232; on Speaker of Senate (temporary), B., 258; Oaths B. disallowance, and the Imperial procedure thereupon, 263.

*Divorce Procedure.*—*See* the debate on "Dillon Divorce case" (above).

Prince Edward Island Ry. and Ferry Co.'s B. (I).

Reported from Ry. Com. with Amts., which explained, 288.

Reformatories. *See* "Youthful Offenders, B."

St. Clair and Erie Ship Canal Co. Incorp. B. (21).

Reported from Ry. Com. with Amts., which explained: Ry. Act to apply to branch Ry. connections, 365.

Senate Committees, appointment of.

On Report of Com. of Selection, and ques. (Mr. Bowell) of adoption as a whole: that practice has been to appoint Coms. separately, 98.

Senate, Speaker, Temporary, provision for; B. (Q).

On M. (Mr. Angers) for 2nd R.: on the constitutional ques., 258-9; on Oaths B. disallowance, and Imperial procedure thereupon, 263.

Standing Orders Committee.

On M. (Mr. Bowell) for adoption of that cl. of Report of Com. of Selection: no western members, request for substitution of Mr. Kirchhoffer, 98.

19th Report (for suspension of 52nd Rule, in case of Petition for N. S. Steel Co.'s Incorp. B.): on M. (Mr. Miller) for suspension of Rule accordingly: adoption of Report also, suggested, 497.

Trade with Great Britain.

Remark on Mr. Power's speech, on the Address: change in values, 40.

Voters who have taken bribes, disfranchisement of; B. (6).

Introduced*, 485.
2nd R. *m.* and B. explained, 498.
3rd R., 527.

Wolseley and Fort Qu'Appelle Ry. Co. Incorp. B. (N).

Reported from Ry. Com., with Amts., which explained, 288; suggested that Amts. be considered on date for 3rd R., 288.

Youthful Offenders, separate trials, imprisonment, &c.; B. (Y).

On M. (Mr. Allan) for 2nd R.—On general principles and special features of the B.: questions as to facilities for separate confinement, as to age being raised, &c., 305-6.

**DOBSON, Hon. John.**

Lindsay, Bobcaygeon and Pontypool Ry. Co. Act revived and amd.; B. (29).

Introduced*, 229.
2nd R. *m.**, 264.
3rd R. *m.*, 277; on Mr. Vidal's objection, B. having just been reported from Ry. Com., 3rd R. to-morrow *m.*, 277.
3rd R. *m.**, 278.

**DRUMMOND, Hon. George A.**

Electric Light Inspection B. (118).

In Com. of the Whole.—Reply to Mr. Clemow: the B. a necessity, 742.
On cl. 4: to Mr. Power, pressure explained, 743.
On cl. 5: that 4 p.c. variation is too much, 743.
Amt. *m.*, 3 p.c., 743; in debate thereon, 743.
Again in Com.—On cl. 4: that sub-cl. 3 is too wide, 745; further on claim for loss of light, 745.
On cl. 7: to Mr. Power, earth connection explained, 746.
On cl. 15: Amt. *m.*, adding optional phrase, 746.
On cl. 16: to Mr. Lougheed, explanation, meters, 747.
On cl. 19: that re-verification should be provided for, 747.
On cl. 23: Amt. *m.*, to add sub-cl., pressure testing, 747; in debate thereon, 747.
On cl. 37: to Mr. Clemow, standard definition, 747, 748.

Fisheries Act Amt. B. (145).

In Com. of the W.—On cl. 9: penalty, forfeiture of vessels, &c., is excessive, 738; that the discretionary cl. on the subject should be made a separate cl., 738.

France, Treaty with, ratification B. (147).

On M. (Mr. Angers) for 2nd. R.—On Mr. Scott's speech, a ques., 764; a comment, 765.
On Amt. (Mr. Boulton) to refer Treaty back for further negotiations: the subject reviewed, and ratification supported, 783-4-5-6.

Hudson Bay route, feasibility of.

On attention called to subject (Mr. Ferguson, Niagara) with Inqy. whether any any recent Reports thereon: feasibility of route discussed, 214-5-6.

Insolvency Act, 1894; B. (C).

In Com. of the W.—On cl. 61: in debate as to Banks ranking, 601.
On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) for legislation for discharges according to laws of Provinces: the Amt. opposed, with remarks on Senate legislation, 609.

Montreal Isld. Belt Line Ry. Co.'s B. (59).

On M. (Mr. Tassé) for concurrence in Amts. of Ry. Com.: Amts. to cl. 27 *m.*, making meaning clear as to dates for completion, 619.

N.W.T. Game preservation B. (Z).

In Com. of the W.—On 2nd cl.: on Mr. Power's suggestion to extend provisions of B. to whole northern country: opinion of experts suggested, whether habits of birds, &c., are the same, 333; further, 334.
On cl. 8: that cl. is too wide, 339; expunging of sub-sect. *a* suggested, 339.
Again in Com.—On cl. 22: on M. (Mr. Bowell) to insert Departmental scientific permits: that the Act is so wide as to be inoperative, 357. On his M. to strike out "other useful purposes": remark on taxidermy, 358.
On suggestions (Mr. Bernier and others) to strike out cl. 19 (burden of proof on accused): a change of wording suggested, 359.

Ocean Steamship subsidies; fast Atlantic line; B. (161).

On M. (Mr. Angers) for 2nd R.—Comments on Mr. Scott's speech, fogs, 803; icebergs, 804. On Mr. Power's, ques., arrangements, 810; tabling of papers, 810; speed of ships, 810. The subject and objections reviewed, the B. supported, 820-1-2.

**DRUMMOND, Hon. George A.**—*Concluded.*

Senate, legislative work of the.

Remarks in debate on Insolvency B., 609-10.

Youthful Offenders, separate trial, punishment, &c.; B. (Y).

In Com. of the W.—On cl. 4: reply to Mr. Allan's remarks as to Aid Societies; one in Montreal, 349.

**FERGUSON, Hon. Donald (P.E.I.)**

INTRODUCED, 4.

Address in answer to Speech from the Throne.

M. for, 6. Remarks on death of Hon. Senator Montgomery, 7; compliments to Earl of Derby, 7; to his Ex. the Earl of Aberdeen, 7-8; increased volume of trade with G.B. and U.S., 8-9; the tariff, 9-10; commercial depression and Canada's banking system, 10; public works and taxation, 10-11; Canada at the Chicago Exhibition, 11; Canadian made agricultural implements, 11-12; unfair awards at Exhibition, 12; Behring Sea award, 13; improved ocean communication, 13; Dominion land laws and increased immigration, 13; future of Manitoba and the North-west, 13-14; of the Dominion at large, 14.

Ballot, vote by. *See* "N.W.T. Representation Act Amt."

Behring Sea award.

Remarks in *m* Address in reply to Speech from Throne, 13.

Canadian Pacific Ry. construction. *See* "P.E.I. claims," M.

Chicago Exhibition, 1893.

In *m.* the Address in answer to Speech from Throne: Canadian exhibits, 11-12; unfair awards, 12.

Hay, inspection of. *See* "Inspection, General, Act, Amt. B."

Insolvency Act, 1894; B. (C).

In Com. of the W.—On M. (Mr. Power) that B. shall only apply to traders hereinafter defined: exclusion of farmers opposed, 512; uniformity of commercial law in all Provinces only desirable point in B., 513.

Again in Com.—On M. (Mr. Bowell) for new 3rd cl., limiting B. to traders, as defined: that millers and farmers who sell cattle should be included, 588.

On cl. 35: on Amt. (Mr. Miller) to reduce from ⅔ to ½, and Amt. (Mr. McKindsey) ⅓: two-thirds rate supported, 593, 594.

Inspection, General, Act, Amt.; hay inspection, provision for; B. (125).

In Com. of the W.—On 2nd cl.: suggestion that "good colour" be required, 494; replies to various Senators, 495.

Intercol. Ry. construction. *See* "P.E.I. claims," M. for papers.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": the Amt. supported, 577.

Man. and N.W. Schools question.

On M. (Mr. Bernier) for ordinances, Orders in Council, &c.: on the constitutional points and political history of the case, Mr. D. McCarthy, the P.P.A.; also P.E.I. Schools ques., 179, 181-2-3-6-7-8.

Ques. of Privilege: *Globe* report of Mr. McCarthy's speech, 205.

**FERGUSON, Hon. Donald (P.E.I.)**—*Contd.*

Moncton and P.E.I. Ry. and Ferry Co.'s B. (I).

On M. (Mr. Poirier) for 2nd R.: on importance of matter, and present delay in mails, 256.

Montgomery, the late Hon. D.

Remarks in *m.* the Address in reply to Speech from Throne, 7.

Niagara Grand Isld. Bridge Co.'s B. (32).

Introduced*, 321.
2nd R. *m.**, 350.
(3rd R. *m.* by Mr. Dickey*, 366).

Northumberland Straits, borings in.

Inqy.: intention of Govt. to proceed with, 497.

N.W.T. Game preservation B. (Z).

In Com. of the W.—On cls. 18 and 19: that burden of proof should not lie on accused, 341; reply to Mr. Bowell's comparison with Customs cases, 342.

N.W.T. Representation Act Amt.; ballot voting; B. (5).

On M. (Mr. Angers) for 2nd R.—On the present B.; and on disfranchisement of Dom. officials in N.S. and P.E.I., 463-4.

Prince Edward Isld., disfranchisement of Dom. officials.

Remarks on 2nd R. of N.W.T. Representation Act Amt. B. (5).

P.E.I. Ry. and Ferry. *See* "Moncton and P.E.I."

Prince Edward Isld. Schools question.

History of, in debate on Man. Schools question, 180, 182-3, 186-7.

Prince Ed. Island tunnel, borings.

Inqy.: intention of Govt. to proceed with, 497.

Prince Edwd. Island, intercommunication, financial claims, tunnel scheme, &c.

Ms. for correspondence on various points, 528. The history of P.E.I.'s entry into Confederation reviewed; Intercol. Ry. and C.P.R. construction, financial readjustments, the tunnel scheme, &c., 528-550.

M. for Reports of Sir D. Fox and Mr. Baine, with a view to their being printed, 585; M. amd., to omit plans, 585.

Privilege, Question of.

In debate on Man. Schools ques., Mr. Power contradicted statement *re* Mr. D. McCarthy's political attitude, 182. *Globe* report of Mr. McCarthy's speech read, 205.

River St. Clair Ry. Bridge and Tunnel Co.'s B. (33).

Introduced*, 321.
2nd R. *m.* *, 333.
(3rd R. *m.* by Mr. MacInnes, Burlington,* 366.)

Schools, separate. *See* "Man. and N.W. Schools" (above).

Sunday Observance B. *See* "Lord's Day."

Tariff and Trade matters.

In *m.* the Address in answer to Speech from Throne: volume of trade, 8-9; the tariff, 9-10; commercial depression and Canada's banking system, 10; public works and taxation, 10-11.

## FERGUSON, Hon. John (Niagara).

Duluth, Nepigon and James Bay Ry. Co. Incorp. B. (37).
2nd R. *m.** (in absence of Mr. Perley), 310.

Harbours, public; power of Govt. to create, and to extend; B. (V).
Reported from the Com. of the W., without Amt., 277.

Hudson Bay route.
Attention called to feasibility of; Inqy. whether any Reports since 1887, 205. Remarks, 205-214. Comments on Mr. Drummond's speech, 214; further explanation thereon, 216. On Mr. Angers' reply, 221.
Objection taken to Mr. Power's remark, that subject has already been discussed in previous sessions, 222; further comment thereon, 223.

Insolvency Act, 1894; B. (C).
On M. (Mr. Bowell) for 2nd R.—Remarks on principle of the B., 244; inqy. for further copies for distribution, 249.
In Com. of the W.—On cl. 35: on Amt. (Mr. Miller) to reduce $\frac{2}{3}$ to $\frac{1}{2}$, and Amt. (Mr. McKindsey), $\frac{1}{3}$: high rate of settlement advocated, 597-8. On Mr. Bowell's speech, a remark, 598.
On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) to change cl. 35 from $\frac{1}{2}$ to $\frac{2}{3}$: higher rate advocated, 606.

Insurance Act Amt. B. (V).
Commons Amts.—On M. (Mr. Angers) for concurrence, and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to add cl. *d* to the B., limiting investments of Cos.: the Amt. supported, 831.

Lighthouses, Buoys, &c., and Sable Isld. B. (B).
Reported from the Com. of the W., without Amt., 90.

Order and Procedure, points of.
*Govt., course of, comments upon.*—In debate on Insurance Act Amt. B. (V), and Govt. adherence to Commons Amt., respecting investments authorized for Insurance Cos., 831.
*M. on subject already discussed.*—On Inqy. for recent Reports on Hudson Bay route: objection taken to Mr. Power's remark, that the subject had already been discussed in previous sessions, 222; further comment thereon, 223.

## FLINT, Hon. Billa.

Senate, adjournment of.
(Ascension day, May 3.)—On M. (Mr. Angers) for adjt. till 4th: Amt. *m.*, till 8th, 311; after discussion, Amt. *withdrawn*, 311.

Senator Flint's decease.
Announcement by Mr. Bowell, 563. Remarks: Messrs. Scott, Read (Quinté), Dickey, 564.
Funeral expenses in Ottawa.—Suggestion for payment of (Mr. Bowell), 687; remarks: Messrs. O'Donohoe, Bowell, 687; Messrs. Bowell, Power, 688; M. accordingly (Mr. Bowell), agreed to, 688.

## GLASIER, Hon. John.

The decease of.—Announcement, and remarks: Mr. Angers, 679; Messrs. Scott, Wark, Dever, 680.

Funeral expenses in Ottawa.—Suggestion for payment (Mr. Bowell), 687; remarks: Messrs. O'Donohoe, Bowell, 687; Messrs. Bowell, Power, 688; M. accordingly (Mr. Bowell), agreed to, 688.

## GOWAN, Hon. James Robert, C.M.G.

Dillon Divorce case.
Report presented; personal service made; adoption of Report *m.*, 224. At Mr. Power's request, consideration to-morrow *m.*, 224.
Report presented, and future consideration *m.*, 320. Mr. Kaulbach having presented a minority Report, held that Com. minutes should likewise be submitted to the House, 320; M. to that effect, 320.
On Order for consideration: evidence being but just distributed, postponement *m.*, 350; complaint as to delay in printing, 350.
On consideration of Report of Com., and Mr. Kaulbach's minority Report.—On divorce procedure, and on ques. of divorces to R. Catholics, 366-7-8. On Mr. Bellerose's speech: comment as to facts of this case, 380.

Divorce Cases. *See:*
"Dillon."
"Downey."
"Filman."

Downey Divorce case.
1st Report of Divorce Com. presented; personal service impossible, substitutional service, &c., 111. Adoption *m.*, 112; at Mr. Power's request, consideration to-morrow *m.*, 112.
10th Report, on order for consideration: evidence not being printed, future consideration *m.*, 289.
10th Report, adoption *m.*, with remarks in favour of the application, 308.

Filman Divorce case.
Report of Standing Com. (in favour of the B.), adoption *m.*, 343.

Game, preservation of. *See* "N. W. T."

N. W. T., preservation of Game, B. (Z).
In Com. of W.—On cl. 19: burden of proof lying on the accused, that the wording is too wide, and cl. should stand, 342.

Insolvency Act, 1894; B. (C).
On introduction of B. (Mr. Bowell): Imperial Privy Council decision on Ont. Act enquired for, 97.
On M. (Mr. Bowell) for 2nd R.: remarks on past legislation and proposed Act; reference to a special Com. approved, 234-5-6.

Insurance Act further Amt. B. (V).
On M. (Mr. Angers) for 2nd R.: remarks on the B., and alteration suggested, 297-8.

Order, Procedure, &c., questions of.
*Constitutional questions.*—*See* "Senate, Speaker, temporary, B.," debate on (below).
*Divorce Procedure.*—Mr. Kaulbach having submitted a minority Report of Com. (Dillon case), held that minutes of Com. should likewise be submitted to House, 320; M. to that effect, 320.
On the same case: on divorce procedure in Canada, and ques. of refusing divorces to R. Catholics, 366-7-8.

Printing, delay in.
Complaint as to printing of evidence in Dillon Divorce case, 350.

Senate, Speaker, temporary, provision for; B. (Q).
On M. (Mr. Angers) for 2nd R.: B. opposed as unconstitutional, 257-8. Comments on Mr. Scott's speech: the Imperial Act of 1865, 260; Senate not constituted without a Speaker, 260. Ques., compliance with Imperial rules, reference for opinion of law officers of the Crown, 263; further remarks, 263.

**HAYTHORNE, the late Hon. Senator.**

Remarks, in debate on the Address : Mr. Power, 40.

**KAULBACH, Hon. Henry A. N.**

Address in answer to Speech from the Throne.

On M. (Mr. Ferguson, P.E.I.) for.—On speeches of Messrs. Power and Scott, and on the Address : proposed insolvency law, 47 ; increased ocean communication, 47, 48 ; Behring Sea award, 48-9 ; manufacturers' conferences with Ministers, 50 ; P.E.I., volume of trade, 50 ; cotton and sugar industries, 50 ; trade, &c., in 1873-78, and since, 51 ; present prosperity, 51-2 ; Canadian statesmen in Imperial matters, 53 ; tariff revision, 53 ; Australian delegations and steamship service. 53 ; Dominion Lands Act and immigration, 53.

Adjournments. *See* "Senate, adjournments of."

Adulteration. *See* "Fraudulent Marking B."

Atlantic Mail Service. *See :*
"Ocean communication, increased."

Australian Mail Service. *See :*
"Ocean communication, increased."

Ballot, vote by, in N.W.T. *See* "N.W.T."

Behring Sea award.

In debate on the Address, 48, 49.

Bills, Private, time extension.

On M. (Mr. Macdonald, B.C.) for adoption of Standing Orders Com. Report, giving till end of session for reporting : against general extension, 282. Reply to Mr. Vidal, individual extension by asking, 283.

Bribed Voters, disfranchisement of. *See* "Voters."

Canadian Pacific Ry., freight rates, &c.

On M. (Mr. Boulton) for schedule : remarks on N.W. prosperity, letter from Mr. Gaetz, 140.

——— *See also* "Ocean Steamship Subsidies B." debate.

——— *See also* "Railways, Land Subsidies B."

——— *See also* the following B. :

Canadian Pacific Ry., drawback on articles for (iron bridges) ; B. (166).

On M. (Mr. Bowell) for 3rd R.—On C.P.R. freight rates, construction, privileges, &c., 861.

Canadian Statesmen in Imperial matters.

Remarks in debate on the Address, 53.

Cape Breton Ry., location.

Replies to Mr. Power, on 2nd R. of Ry. subsidies B., 866.

Certificates, Masters and Mates. *See* "Masters, &c."

Children, punishment. *See* "Youthful Offenders."

Coal Oil. *See* "Petroleum Inspection Act."

Companies, Joint Stock, Incorp. *See* "Joint Stock."

Consolidated Revenue and Audit Act. *See* "Revenue."

Consumers' Cordage Co. ; issue of preference shares ; B. (31).

On M. (Mr. Ogilvie) for 2nd R.—Remarks on the cordage industry ; better hawsers required, 485.

**KAULBACH, Hon. Henry A. N.**—*Contd.*

Contingt. Accts. Com. *See* "Internal Economy."

Courts of Appeal. *See* "N.W.T. Act Amt. B."

Criminal Code Amt. B. (126).

In Com. of the W.—On sect. 662 : on ques. of Grand Jury quorum, and on Grand Jury system generally, 750, 751.

On M. (Mr. Angers) for 3rd R.—Further on above point, 752-3.

Criminal law, administration of.

On M. (Mr. McInnes, B.C.) for papers *re* commutation, death penalty, two Indians : that his speech should not have prejudged ques. of executive clemency, 202 ; on Mr. Angers' speech, a ques., 204.

*See also* "Criminal Code Amt. B."
"Ont. Houses of Refuge, B."
"Youthful offenders, B."

Currency issue. *See* "Dominion Notes, B."

Customs seizures. *See* "Revenue and Audit Act."

Death penalty, Commutation of.

On M. (Mr. McInnes, B.C.) for papers : that his speech should not have prejudged the ques. of executive clemency, 202 ; on Mr. Angers' speech, a ques., 204.

Debates Committee Reports.

2nd Report.—On M. (Mr. Bellerose) for adoption : a ques., unrevised edition, 265.

Deck-load law. *See* "Ships, safety of, B."

Dillon Divorce Case.

On M. (Mr. Gowan) for adoption, on presentation, of Report of Com. : that Mr. Power's objection, rules being complied with, is unusual, 224.

On presentation (Mr. Gowan) of Com. Report in favour of B. : a minority Report presented and future consideration *m.*, 320. M. (Mr. Gowan) to bring Com. Minutes before the House, consented to, 320.

On M. (Mr. Gowan) for postponement of consideration of Report : M. for postponement of minority Report also, 350 ; suggestion, first Order of the day, 350.

On consideration of Report of Com. ; ques. of minority Report being also under consideration, 368 ; on ques. of divorces to R. Catholics and Anglicans, on Parliamentary divorce procedure and that of N. S., &c., on the facts of this case and the evidence excluded by Com., 368-9, 370-1-2-3-4-5-6-7. Comments on Mr. Vidal's speech : divorce to a R. Catholic, 377 ; fishing for evidence, 378.

On Order of Business : on Mr. Power's suggestion as to position of this resumed debate, 384.

In resumed debate : On Mr. Scott's speech : ques. in Com., 388 ; Sir J. Abbott's opinion, 389 ; ques. put as to creed, 389 ; ques. by member of Com., 392. On Mr. McInnes's (B.C.) speech : ques. not answered, 396 ; first case of the kind, 396 ; suppression of evidence, 397 ; incriminating evidence under present law, 397 ; Senate has adopted law of evidence, 397 ; ques. put to petitioner, 398. On Mr. Power's speech : duty of Com., 410. On Mr. Dickey's : refusal to answer, 418 ; questions ruled out, 418. On Mr. Boulton's : position taken by Mr. Kaulbach, 419 ; policy for good govt., 422. On Mr. McKay's : ques. excluded, 423 ; occasion therefor, 423. On Mr. O'Donohoe's : on ques. of re-committal for proper evidence, 425.

KAULBACH, Hon. Henry A. N.—*Contd.*

DILLON DIVORCE CASE—*Continued.*

On M. (Mr. O'Donohoe) to re-commit Report for further evidence: on ques. of Order (in resumed debate) that this M. does not appear on Order paper, 433. The case reviewed, and this M. supported, 458-9.

On M. (Mr. Clemow) to replace Com. Report on Order paper: on the understanding that minority Report was included, 518; M. to restore Com. Report to Orders opposed, 519.

On M. (Mr. Clemow) for adoption of Com. Report: postponement requested, 614.

On Amt. to above M. (Mr. Bellerose) to recommit, to strike out re-marriage cl. of B.: that such provision should not be in any B.; remarks on procedure on present B., 617. That Mr. Macdonald's (B.C.) remarks in favour of divorce courts are not relevant to M., 618.

DIVORCE CASES OF SESSION. *See* "Dillon" (above).

DOMINION ELECTIONS ACT AMT. B. (128).

In Com. of the W.—On cl. 1: ques., Gaspé exceptional, 869.

DOMINION LANDS ACT.

Remarks in debate on the Address, 53.

DOMINION NOTES ACT AMT. B. (165).

In Com. of the W.—Small notes, increased issue advocated, 860.

ELECTIONS, DOMINION, ACT. *See* "Dominion."

ELECTRIC LIGHT INSPECTION B. (118).

On M. (Mr. Angers) for 2nd R.—Reply to criticisms of Messrs. Scott and Power, on: amount of Govt. legislation in Senate; date of calling Parliament, 696.

In Com. of the W.—Ques., public demand for this B., 742.

Again in Com.—On cl. 16: on ques. of applicability in case of contracts, 746.

ELECTRICAL MEASURE, UNITS OF, B. (117).

In Com. of the W.—Comment on explanations of the B., 864.

ENGLAND. *See* "Great Britain."

FEMALE REFORMATORIES, B. *See* "Ontario."

FISHERIES ACT AMT. B. (145).

In Com. of the W.—On Mr. Angers's explanation of B.: prohibition of explosives discussed, 706. Comments on Mr. Angers' replies, 706.

On cl. 5: on Mr. Power's Amt., to strike out Fishery officer as branding official for lobster cases, 708; a suggestion thereon, 708.

On sub-cl. 5: that neither packer nor brander can certify lobsters legally caught, 709.

On sub-cl. 10: on ques. of re-packing, 710, 712-13-14. On Speaker's remark, Govt.'s knowledge of necessity for the B., 713.

On cl. 4: Sunday protection of fish, and ques. of tidal waters; privileges of U.S. fishermen, 717-18-19.

On cl. 6: on Amt. (Mr. Clemow) precluding exemptions, sawdust-throwing; Amt. supported, 721, 723-4-5.

Again in Com.—Again on cl. 4, and Amt. (Mr. Angers) restricting Sunday net-lifting to licensed traps: the improvement due to the above criticisms, 727-8; on Mr. Dever's ques. of St. John charter privileges, 728.

Amt. (Mr. Clemow) sawdust: that he should not withdraw it, as asked by Govt., 730; further on ashes, 735.

On cl. 8: on confiscation of vessels, 736.

KAULBACH, Hon. Henry A. N.—*Contd.*

FISHERIES ACT—*Continued.*

On cl. 9: penalties too severe, 737-8; further, 738-9; salmon propagation, 740.

On M. (Mr. Angers) for 3rd R., and Amt. (Mr. Power) for new subsect. 5, sect. 10*a*, stamping lobster packages (without Fishery official): the Amt. supported, 744.

FRANCE, TREATY WITH, RATIFICATION B. (147).

On Inqy. (Mr. Boulton) whether Intercolonial preferences will not be precluded.—That his speech thereon was premature, discussing a B. not yet before House; free trade speeches out of vanity, 673. On Mr. Power's call to Order thereon, 674.

On M. (Mr. Angers) for 2nd R. of B.—On Mr. Scott's speech, a ques., 762. On Amt. (Mr. Boulton) to return Treaty for further negotiations: comments on his speech, 767, 769, 770, 775. Reply thereto, the subject reviewed and Treaty supported; remarks on wine, lumber, pulp, &c., 778-9, 780-1. Comments on Mr. McCallum's speech, 796-7-8.

In Com. of the W.—To Mr. McCallum, condensed milk factory at Truro, 824; oak for tanning, 825.

On M. (Mr. Angers) for 3rd R.—Comment on Mr. Tassé's speech, 846.

FRAUDULENT MARKING, &C., RESTRAINT OF, B. (123).

In Com. of the W.—Fixed penalty objected to, 799.

FREIGHT RATES ON THE C.P.R.

On M. (Mr. Boulton) for schedules of: letter from Mr. Gaetz, 140.

FRENCH TRANSLATORS. *See* "Internal Economy Com."

GAME, PRESERVATION, B. *See* "N.W.T."

GRAND JURY SYSTEM. *See* "Criminal Code Amt. B."

GREAT BRITAIN AND CANADIAN STATESMEN.

Remarks in debate on the Address, 53.

HALIFAX, COUNTY COURT JUDGE.

Remarks on inadequate salary, in Com. on Judges of Provincial Courts B., 702-3-4.

HARBOURS, PUBLIC; GOVT. MAY PROCLAIM ANY HARBOURS, and make regulations; B (U).

On M. (Mr. Bowell) for 2nd R.: ballast throwing in Lunenburg harbour, 276.

HAY, INSPECTION OF. *See:*

"Inspection, General, Act, Amt. B."

HUDSON BAY ROUTE, FEASIBILITY OF.

On Inqy. (Mr. Ferguson, Niagara) for recent Reports, 223.

HUDSON BAY RY. CONSTRUCTION B. (—).

On introduction (Mr. Boulton): objection (Mr. Angers) to introduction of such a B. in Senate sustained; but the agitation for a Hudson Bay Ry. commended, 272.

——— CONSTRUCTION BY GOVTS. OF MAN. & N.W.T.; B. (BB).

On M. (Mr. Boulton) for 2nd R.: the B. opposed, 475; Amt. *m.*, six months' "hoist," 476; comment on Mr. Power's speech, 480; further, 480.

IMMIGRATION AND DOM. LANDS ACT.

Remarks in debate on the Address, 53.

INDEMNITY, SESSIONAL, B. *See* "Sessional."

**KAULBACH, Hon. Henry A. N.**—*Contd.*

Indian Act further Amt. B. (CC).

On M. (Mr. Bowell) for 2nd R. : ques., assent of Supt. Genl. to wills, 347 ; ques., bequeathing property, 347.

Insolvency Act, 1894 ; B. (C).

Remarks in debate on Address, 47.

On M. (Mr. Bowell) for 2nd R. : hasty legislation on this subject deprecated, 240. On Mr. Scott's speech : a ques., 246.

In Com. of the W.—On Mr. Donohoe's ques., understanding on 2nd R. that principle might be discussed in Com. : no, 503 ; further on same point, and on defining classes to whom B. shall apply, 506.

On Amt. (Mr. Miller) that B. shall not apply to farmers : comments on Sir F. Smith's opposition thereto ; farmers do not need or want the B., 511.

Again in Com.—On cl. 3 : on Amt. (Mr. McKindsey) to classify debtors ; preference to farmers opposed, 555 ; further, 555. On Mr. McKindsey's speech : comment on above, 556.

Again in Com.—On M. (Mr. Bowell) for new 3rd cl., B. to apply only to traders as here defined : millers, classification of, 588, 590.

On cl. 35 : on Amt. (Mr. Miller) to reduce amount from $\frac{2}{3}$ to $\frac{1}{2}$, and Amt. (Mr. McKindsey), $\frac{1}{3}$ : highest amount advocated, 594.

On cl. 61 : in debate, preference to Banks opposed, 602.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) changing provision of cl. 35 to $\frac{2}{3}$ : Amt. supported, 605.

On Amt. (Mr. Power) to substitute for 3rd R. a Resolution for legislation, for discharge of insolvents, &c. : that present B. should pass Senate and go to Commons, 610.

Inspection, General, Act, Amt. ; hay inspection ; B. (125).

In Com. of the W.—On Mr. Power's remarks : definition of shipping grades, 495 ; on Mr. Bowell's, the same point, 495.

Again in Com.—Mr. Bowell's definition of dyke lands corrected, 525. On grading of dyke hay after timothy : that it is superior, 526.

Inspection of Petroleum B. *See* "Petroleum."

Inspection of Ships Act Amt. ; definition of ships subject to inspection ; B. (113).

In Com. of the W.—On cl. 1 : ques. as to its extension to foreign ships also, 496.

Inspection of Steamboats. *See* "Steamboat Inspection."

Insurance Act further Amt. B. (V).

On M. (Mr. Angers) for 2nd R. : a ques., 293 : remarks, 296.

Commons Amts.—On M. (Mr. Angers) for concurrence, and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to insert cl. *d* in the B., limiting investments authorized for Cos. : comment on the latter's speech, 828 ; the Amt. supported, 830.

Intercolonial Ry., sale of.

Reference to Opposition policy, in Ocean Steamship Subsidies B. debate, 809.

Interest, Acts respecting, Amt. B. (129).

On M. (Mr. Bowell) for 2nd R.—Comment on his speech : rate in N.S., 636.

**KAULBACH, Hon. Henry A. N.**—*Contd.*

Internal Economy Com., reports of.

On M. (McKay) for adoption, *re* French translators.—On Mr. Power's remarks, report does not embody Com.'s intention : then it should be referred back, 250.

3rd Report, on M. (Mr. McKay) for adoption.—Ques. on duties of Serjt.-at-Arms, 650. Messengers, supervision by Usher of Black Rod rather than by Serjt.-at-Arms ; promotion of pages to messengers recommended, 651. Remarks on removal of Messenger Gagnon, 653. On proposed Amt. (Mr. McInnes, B.C.) and ques. of procedure, 654. On his Amt. to re-commit, to increase Postmaster's salary, 657.

Iron and Steel Bounties B. (170).

On M. (Mr. Bowell) for 2nd R.—The B. supported, 868.

Johnston, Judge, salary. *See* "Judges" (below).

Joint Stock Cos., Incorp., New Regulations ; B. (EE).

On M. (Mr. Bowell) for 2nd R.—Ques., form of Return, 524.

Judges, Provincial Courts, Act, Amt. B. (155).

In Com. of the W.—Attention called to inadequate salary of County Ct. Judges, Halifax, 702-3-4.

Jury (Grand) System. *See* "Criminal Code Amt. B."

Justice, Administration of.

On M. (Mr. McInnes, B.C.) for papers *re* commutation, death sentence, two Indians : that his speech should not have prejudged ques. of executive clemency, 202. On Mr. Angers' speech, a ques., 204.

——— *See also* "Criminal Code Amt. B."

——— *See also* "N.W.T. Act Amt. B." (Judges).

——— *See also* "Ont. Houses of Refuge, B."

——— *See also* "Youthful Offenders, B."

Juvenile Offenders. *See* "Youthful Offenders, B."

Land sursidies, Rys. B. *See* "Railways."

Lands, Dominion, B. *See* "Dominion Lands."

Law, administration of. *See* "Justice."

Legislation, Govt. backwardness with.

Reply to Mr. Scott's criticism, on 2nd R. of Electric Light Inspection B., 696.

Library Committee Report.

On M. (Mr. Allan) for adoption.—As it involves expenditure, postponement suggested until adopted in Commons, 309.

Lighthouses, Buoys, &c., and Sable Isld. Act Amt. B. (B).

On M. (Mr. Bowell) for 2nd R. : that cl. 3, giving contract-making powers to Minister of Marine, would, if a new cl., initiate legislation creating liabilities, 89.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist" : the B. opposed, 571, 572.

Lumber trade. *See* "France, Treaty with."

Lunenburg Harbour, ballast throwing in.

Remarks on 2nd R. of Public Harbours B. (U), 276.

KAULBACH, Hon. Henry A. N.—*Contd.*

Man. and N. W. Ry., time for construction extended; B. (X).
On M. (Mr. Lougheed) for 3rd R., and Amt. Mr. Boulton) to substitute "not less" for "not exceeding" prescribed amount of annual construction, 326.
On Mr. Lougheed's speech, a ques., 327.

Man. and N. W. Schools question.
On M. (Mr. Bernier) for ordinances, Orders in Council, &c.: on the constitutional question, 177-9. On Mr. Ferguson's (P.E.I.) speech; a ques., 182.
On presentation (Mr. Bowell) of petition of Quebec Bishops in relation to school laws, and M. (Mr. Bellerose) for its printing; reference to Printing Com. suggested, 332.

Manufacturing. *See* "Tariff and Trade."
*Also* "Iron and Steel Bounties B."

Marine Dept., contract-making powers. *See:*
"Lighthouses, buoys, &c., and Sable Isld. B."

Marking, fraudulent, of products. *See* "Fraudulent."

Masters' and Mates' Certficates Act Amt. B. (130).
On M. (Mr. Bowell) for 2nd R.—Ques., coasting vessels, 639.

Messengers, Senate. *See* "Internal Economy Com."

Moncton and P.E.I. Ry. and Ferry B. (I).
On M. (Mr. Poirier) for 2nd R.: request for explanation of B., 253; longer time extension suggested, 255.

Montreal Harbour Commissrs. Act Consolid. B. (S).
In Com. of the Whole.—On cl. 26: on Mr. Power's suggestion to add, after *v*, power of fixing salaries, and Mr. Bowell's remarks thereon, 319.

Montreal Isld. Belt Line Ry. Co.'s B. (59).
On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) restricting, in the city, to passenger traffic: the Amt. opposed, 622. On Mr. Vidal's speech: comment on selling of charters, 623.

Mounted Police B. *See* "N. W. M. Police."

Musquodoboit Valley Ry.
On Inqy. (Mr. Power) intention of Govt. to subsidize: necessity for a Co. pointed out, &c., 642-4. On Mr. Power's further remarks, a ques., 644.
Reference hereto, in Ocean Steamship Subsidies B. debate, 815; also on Ry. subsidies B., 866.

New York, N. England and Canada Co. Incorp. B. (71).
On M. (Mr. Power) for 2nd R.—Title of B. disapproved, 649.

North-west Mounted Police Acts Consolid. B. (121).
In Com. of the W.—On cl. 5: ques., present strength, 647.

North-west Terries. Act Amt. B. (149).
In Com. of the W.—On cl. 2: on ques. of judges sitting in review, 859.

KAULBACH, Hon. Henry A. N.—*Contd.*

N.W.T. and Man. Schools question.
On M. (Mr. Bernier) for ordinances, Orders in Council, &c.: on the constitutional question, 177-179. On Mr. Ferguson's (P.E.I.) speech: a ques., 182.
On presentation (Mr. Bowell) of petition of Quebec Bishops in relation to school laws, and M. (Mr. Bellerose) for its printing; reference to Printing Com. suggested, 332.

North-west Terries. Game preservation B. (Z).
On M. (Mr. Bowell) for 2nd R.—Joint action by Provinces, for uniform system north of St. Lawrence and the Lakes, recommended, 307.
In Com. of the W.—On 2nd cl.: on Mr. Power's suggestion as to limits; that will cover Labrador, 333.
On cl. 5, sub-sect. *g*: ques. as to swan protection, 337.
On cl. 8: provision against killing for horns and hides, 337.

North-west Terries. Irrigation B. (134).
In Com. of the W.—On compensation for damage caused, 786.

North-west Terries., prosperity in.
On M. (Mr. Boulton) for schedule of C.P.R. freight rates: letter from Mr. Gaetz quoted, 140.

North-west Terries., Railway construction. *See* "Man. and N.W. Ry. B."

North-west Terries. Representation Act Amt.; ballot voting, provision for, &c.; B. (5).
In Com. of the W.—On Amt. (Mr. Angers) to preclude dual representation: ques. of evidence of resignation from Local, 615; further, 615.

Notes, issue of. *See* "Dominion Notes, B."

Nova Scotia carrying trade.
Remark on Petroleum Inspection B., 702.

Ont., Houses of Refuge for Females, B. (II).
On introduction (Mr. Angers).—Ques., application of B., 631.

Ocean communication, increased.
Remarks in debate on the Address, 47, 48, 53.
Remarks on Inqy. (Mr. Ferguson, Niagara) respecting Hudson Bay route, 223.
Remarks on introduction of B. (Mr. Boulton) for Hudson Bay Ry., construction being ruled out of order, 272.
*See also* the following Bill:

Ocean Steamship Subsidies; Atlantic fast line; B. (161).
On M. (Mr. Angers) for 2nd R.—The B. supported; remarks on C.P.R. construction, &c., 808. Comments on Mr. Power's speech, 812–13–14. On Mr. Angers' reply, 815. On Mr. Read's (Quinté), 817.

Order and Procedure, questions of.
*Bill, creating liabilities.*—On Lighthouses, &c., B.: that cl. 3, giving contract-making powers to Minister of Marine, would, if not a mere re-enactment, create liabilities, 89.
*Bill, Govt., immature.*—Comments on Insurance Act Amt. B., and Amts. with which it is returned from Commons, 831.
*Bill, Govt., improved by Senate criticisms.*—Remarks in Com. on Fisheries Act Amt. B., 727–8.
*Bill, Govt., necessity for.*—Speaker's assumption objected to, that Govt. is advised of all the necessities respecting Fisheries Act. Amt. B., 713.

**KAULBACH, Hon. Henry A. N.**—*Contd.*

Order and Procedure—*Continued.*

*Bill, stage for discussing principle.*—On claims made that principle of Insolvency B. might be discussed in Com., on previous understanding, 503, 506.

*Bill, title disapproved of.*—N. Y., N. E. and Canada Co. Incorp. B., 649.

*Bills, private, time extension.* — On Standing Orders Com. Report, recommending till end of session for reporting: against such a general extension, 282. Reply to Mr. Vidal: individual extension by asking, 283.

*Committee Report, adoption when presented.*—That Mr. Power's objection, in Dillon Divorce case, rules having been complied with, is unusual, 224.

*Com. Report and Minority Report. See* "Dillon Divorce" debates (above).

*Com. Report incorrect.*—On Mr. Power's statement that Internal Economy Com.'s Report does not embody Com.'s intention; that it should be referred back, 250.

*Com. Report, involving expenditure.* — Library Com. Report (purchase of books, commemoration plate of first steamer across Atlantic), involving expenditure, postponement of adoption suggested, until adopted by Commons, 309.

*Com. Report, Restoration to Orders. See* "Dillon Divorce" debate (above).

*Constitutional question.*—On Man. and N.W. Schools ques., and Privy Council decision, 177-9.

*Debate, motives attributed.* — On Mr. Power's call to order, for attributing Mr. Boulton's free trade speeches to vanity, 674.

*Debate, relevancy of.*—That Mr. Macdonald's (B.C.) advocacy of Divorce courts is not relevant to M. to re-commit Dillon Divorce Com. Report, 618.

*Divorce Procedure.*—Minority Report supported; on ques. of divorces to R. Catholics and Anglicans, on Parly. divorce procedure and that of N.S., &c.; on the evidence in this case suppressed by Com., and on the facts proved, &c. *See* "Dillon Divorce B." (above).

*Executive clemency.*—Impropriety of prejudging the case, in speech (Mr. McInnes, B.C.) in *m.* for papers *re* commutation of death penalty on two Indians, 202.

*Inqy., speech on. See* "Speech" (below).

*Legislation, Govt., backwardness of.*—Reply to Mr. Scott's criticism, on 2nd R. of Electric Light Inspection B., 696.

*Motion, prejudging on papers m. for. See* "Executive clemency."

*M. without Notice.*—Mr. Angers' M. to adjn. over Ascension Day, objected to, without notice, 311; Amt. withdrawn, after remarks, 311.

*Orders of the Day.*—On the correct position thereon, of the Dillon Divorce (resumed debate), 384.

*Printing, petition of.*—Quebec Bishops, respecting N. W. School laws; on M. (Mr. Bellerose) for its printing; reference to Printing Com. suggested, 332.

*Session, date of opening.*—Comments upon Mr. Power's criticism, on 2nd R. of Electric Light Inspection B., 696.

*Speech on B. not yet before House.*—That Mr. Boulton's speech on his Inqy., French Treaty, was premature, in discussing a B. not yet before House, 673, 674.

Pacific Mail Service. *See:*

"Ocean communication, increased."

**KAULBACH, Hon. Henry A. N.**—*Contd.*

Pages, promotion of. *See:*

"Internal Economy Com. Report."

Parliament, date of calling.

Reply to Mr. Power's criticism, on 2nd R. of Electric Light Inspection B., 696.

Peter and Jack, death penalty. *See:*

"Justice, administration of."

Petroleum Inspection Act Amt. B. (122).

On M. (Mr. Angers) for 2nd R.—On ques. of U.S. lower grade oil, 690.

In Com. of the W.—On cl. 5: on Mr. Power's suggestion for tank steamers, and ques. of N.S. schooners, 702.

Postmaster's Salary. *See* "Internal Economy Com. Report."

Prince Edwd. Isld. Ry. and Ferry B. *See:*

"Moncton and P. E. I. Ry. and Ferry B."

Prince Edwd. Island, tunnel scheme, &c.

On M. (Mr. Ferguson, P.E.I.), for correspondence.—Comment, shipping of potatoes to N. S., 546.

Prince Edward Island, volume of trade.

Remarks in debate on the Address, 50.

Private Bills, extension of time.

On M. (Mr. Macdonald, B.C.) for adoption Standing Orders Com. Report, giving till end of session for reporting: against such general extension, 282. Reply to Mr. Vidal: individual extension by asking, 283.

Privy Council (Imperial) decisions.

Remarks in debate on Man. Schools ques., 177-8.

Provincial Court Judges B. *See* "Judges."

Public Harbours B. *See* "Harbours."

Pulp manufacture. *See* "France, Treaty."

Railway construction in N. W. *See* Man. and N. W. Ry."

Railways, subsidies, B. (169).

On M. (Mr. Bowell) for 2nd R., and Mr. Power's speech: location, C. Breton and Musquodoboit Rys., 866.

*See also* "Musquodoboit Valley Ry." (Inqy.)

Railways, subsidies (land) B. (158).

In Com. of the W.—C. P. R., Pipestone Branch, a ques., 862. Reply to Mr. Power, settlement by C. P. R. Co., immigrants from U. S., 863.

Reformatories. *See* "Youthful Offenders, B."

——— Female. *See* "Ont. Houses of Refuge, B."

Revenue and Audit Act Amt. B. (127).

In Com. of the W.—On sub-sec. 6, cl. 1: seizures for probable cause, stringency advocated, 664.

Rivers, sawdust in. *See* "Fisheries Act Amt. B."

Roman Catholic Schools. *See* "Man. and N.W. Schools."

St. Clair and Erie Ship Canal Co. Incorp. B. (21).

On M. (Mr. Vidal) for 2nd R.: ques. whether all in Canada, 363.

Sable Island B. *See* "Lighthouses, Buoys, &c."

Sawdust in rivers. *See* "Fisheries Act Amt. B."

Schools, separate. *See* "Man. and N. W. T."

**KAULBACH, Hon. Henry A. N.**—*Contd.*

SEAL FISHERY. *See* "Behring Sea."

SEAMEN'S ACT AMT.; liens for wages; relief of seamen in distress; B. (13).
On M. (Mr. Bowell) for 2nd R.: ques., relief of our seamen by Foreign nations, 407.
In Com. of the W.: on cl. 2, the same ques., 425.

SENATE, ADJOURNMENTS OF.
(Ascension day.)—M. (Mr. Angers) for adjt., 2nd-4th May, objected to, without notice, 311; objection withdrawn, 311.

SENATE AND COMMONS B. *See* "Sessional Indemnity."

SENATE, LEGISLATION IN, AMOUNT OF.
Reply to Mr. Scott's criticism, on 2nd R. of Electric Light Inspection B., 696.

SENATE OFFICIALS. *See* "Internal Economy Com."

SENATE, SPEAKER, TEMPORARY PROVISION FOR; B. (Q).
On M. (Mr. Angers) for 2nd R.: that B. should be pressed, 259.

SERJT-AT-ARMS, DUTIES OF. *See:*
"Internal Economy Com., Report of."

SESSION, DATE OF CALLING.
Reply to Mr. Power's criticism, on 2nd R. of Electric Light Inspection B., 696.

SESSIONAL INDDMNITY; 12 DAYS NOT CHARGEABLE; B. (164).
On M. (Mr. Angers) for 3rd R.: B. strongly objected to, 839.

SHIPS, INSPECTION OF, B. *See* "Inspection."

SHIPS, MASTERS' AND MATES' CERTIFICATES. *See:*
"Masters, &c."

SHIPS, SAFETY OF, ACT, AMT.; six-feet deck-loads to W. I., &c.; B. (G).
On M. (Mr. Bowell) for 2nd R.: B. approved, 251.
In Com. of the W.—On 1st cl.: that provisions should include S. America, 279; on Mr. Macdonald's (P.E.I.) remarks, 280. On title of B., and Mr. Scott's remarks on departure from principle of English deck-load law, 282.

SPEAKER OF SENATE B. *See* "Senate."

STEAMBOAT INSPECTION ACT AMT. B. (137).
On M. (Mr. Bowell) for 2nd R.: ques., cls. already enacted, 638.

STEAMSHIP SERVICE. *See:*
"Ocean communication, increased."

SUBSIDIES, LAND, B. *See* "Railways."

SUNDAY OBSERVANCE B. *See* "Lord's day."

TARIFF AND TRADE MATTERS.
Remarks in debate on the Address: manufacturers' conferences with Ministers, 50; P. E. I., volume of trade, 50; cotton and sugar industries, 50; trade, &c., 1873-78 and since, 51; present prosperity, 51-2; tariff revision, 53.
Remarks on the cordage industry, on 2nd R. of Consumers' Cordage Co.'s B., 485.
*See also* "France, Treaty with, ratification B."
——— "Iron and Steel Bounties B."

TRANSLATORS, EMPLOYMENT. *See* "Internal Economy Com."

U. S. FISHING PRIVILEGES. *See* "Fisheries Act Amt. B."

**KAULBACH, Hon. Henry A. N.**—*Concld.*

U. S., RELIEF OF SEAMEN. *See* "Seamen's Act Amt. B."

USHER OF BLACK ROD, DUTIES. *See:*
"Internal Economy Com. Report."

VOTERS WHO HAVE TAKEN BRIBES, DISFRANCHISEMENT; B. (6).
In Com. of the W.—Cl. to punish bribers wanting, 527.

WINE IMPORTATION AND MANUFACTURE. *See:*
"France, Treaty."

WINNIPEG AND HUDSON BAY RY. CO. *See* the following:

WINNIPEG GREAT NORTHERN RY. CO.'S B. (22).
On M. (Mr. Sutherland) for 2nd R.—Ques., amount to complete to River Saskatchewan, 363; that the time asked is very short, 363.

YOUTHFUL OFFENDERS, SEPARATE TRIAL, PUNISHMENT, &C.; B. (Y).
On M. (Mr. Allan) for 2nd R.—Nothing conflicting with rights of Provinces; questionable whether trials should be private, 305.

**KIRCHHOFFER, Hon. John Nesbitt.**

CALGARY IRRIGATION CO.'S B. (53).
Introduced *, 365.
2nd R. *m.* *, 408.
(Concurrence in Amts. of Private Bs. Com., *m.* by Mr. Perley, 581).
(3rd R., *m.* by Mr. Perley, *, 586).

DILLON, JAMES ST. G., DIVORCE B. (T).
On Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence.—On Mr. Bellerose's remarks as to canons of Ch. of England: comment on Senate being entitled to grant divorces, 423.
On M. (Mr. O'Donohoe) to re-commit Report for further evidence: speech on the procedure, and merits of the case, 434-5, 437-8-9, 440. On Mr. Poirier's speech, a ques. on procedure, 441.
On M. (Mr. Clemow) to restore Com. Report to Order paper for furthur consideration to-day: proposed Amt. (Mr. Bowell) to include Minority Report, and for consideration to-morrow; consideration to-day urged, 519; again, 519.
On M. (Mr. Clemow) for adopting Com. Report, and Amt. (Mr. Bellerose) to re-commit and strike out re-marriage cl. of B.: against street reports being accepted; necessity for Divorce Court urged, 618.

DIVORCE COURT, NECESSITY FOR, URGED.
Remarks in debate on Dillon Divorce B., 618.

HUDSON BAY ROUTE, FEASIBILITY OF.
On attention called to (Mr. Ferguson, Niagara), with Inqy. whether any Reports since 1887.—Remarks on the general question, on C.P.R. freight rates, &c., 217-220.

JOHNSON DIVORCE B.
18th Report Divorce Com., in favour of B.: adoption *m.* *, 428.

LANDS IN TERRIES., ACTS CONSOLID. B. (HH).
In Com. of the W.—On cl. 94: intention of cl., delay for contesting sales, 678.

MEDICINE HAT RY. AND COAL CO.'S B. (64).
Introduced *, 365.
2nd R. *m.* *, 408.
3rd R. *m.* *, 460.

**KIRCHHOFFER, Hon. J. Nesbitt**—*Concld.*

Standing Orders Com., appointment of.
M. (Mr. Dickey) for substitution of Mr. Kirchhoffer's name on the Com., 98.

**LANDRY, Hon. A. C. P.**

Dillon, James St. G., Divorce B. (T).
On consideration of Com. Report, in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and suppressed evidence.—Comment on speech of Mr. McInnes (B.C.): on facts of the case, 398.
On M. (Mr. O'Donohoe) to re-commit Report for further evidence, and ques. of Order, the M. not appearing on Order paper: the same Amt. *m.*, 433.
On M. (Mr. Clemow) for adoption of Report: Amt. *m.*, to re-commit for ques. to Petitioner as to adultery, 616. Amt. *m.*, six months' "hoist" of Report, 619.

Land in Terries., Act consolid. B. (HH).
In Com. of the W.—Progress reported, 676, 679. B. reported, with Amts., 681.

St. Lawrence and Adirondack Ry. Co.'s B. (39).
Introduced *, 347.
2nd R. *m.* *, 363.
(3rd R. *m.* by Mr. DeBoucherville *, 384).

**LOUGHEED, Hon. James Alexander.**

Alberta, irrigation. *See* "Fish Creek."

Balfour Divorce Case.
M. that Petition of Jas. Balfour for certain exhibits on file, be referred to Divorce Com., 285.

Bills, Private, irregularities. *See* "Order and Procedure."

Brandon and S. W. Ry. Co. Incorp. Act revived and amd.; B. (47).
Introduced*, 347.
2nd R. *m.**, 363.
(3rd R. *m.* by Mr. Perley*, 384).

Consolidated Revenue, &c., Act. *See* "Revenue."

Criminal Code Amt. B. (126).
In Com. of the W.—On the schedule: on Amt. (Mr. Power) to strike out the Amt. 549*a*, option of jury trial, 748-9.
On. sect. 662: ques. of Grand Jury abolition, 749; of its extension to N.W.T., 749.
On sect. 871: ques., constables' fees, 751.

Customs Seizures. *See* "Revenue and Audit Act."

Dillon Divorce B. (T).
On M. (Mr. Clemow) for 2nd R., and Amt. (Mr. Bellerose) six months' "hoist," on ground that both parties are Catholics; suggestion that this fact should be established in evidence, 300.

Divorce Cases. *See* "Balfour." "Dillon."

Dominion Lands B. *See* "Lands."

Edmonton Street Ry. Co. Incorp. B. (23).
Introduced *, 687.
2nd R. *m.**, 691.
3rd R. *m.**, 705.

Electric Light Inspection B. (118).
In Com. of the W.—On cl. 4: the cl. unnecessary, 746.
On cl. 16: ques. as to applicability to contracts, 746-7.

**LOUGHEED, Hon. James Alex.**—*Contd.*

Electric Light Inspection B.—*Continued.*
On cl. 19: cl. for re-inspection of meters necessary, 747.
On cl. 3: on Amt. (Mr. Drummond) pressure test by inspector, without notice to contractor suggested, 747.
On cl. 37: on standard for measurement, 748.

Fish Creek, irrigation privileges, Hull, W. R., B. (J).
Introduced *, 205.
On Order for 2nd R.: in view of Govt. irrigation B., postponement *m.*, 275.

Fisheries Act Amt. B. (145).
In Com. of the W.—On sub-cl. 10: ques. as to proportion, re-packing of lobsters, 713.
On sub.-cl. 12: on necessity of enforcing careful packing of lobsters, 716.
On cl. 4: on ques. of Sunday protection of fish, interpretation cl. suggested, 718.
On cl. 6: on Amt. (Mr. Clemow) sawdust in rivers, exemptions precluded: ques., such proviso in original B., 723; further, 723.

France, Treaty with, ratification B. (147).
On M. (Mr. Angers) for 2nd R.: ques., native wine manufacture, 756.

Game Preservation. *See* "N.W.T."

Grand Jury System. *See* "Criminal Code Amt. B."

Hull, W. R., irrigation privileges. *See* "Fish Creek."

Indian Act further Amt. B. (CC).
On M. (Mr. Bowell) for 2nd R.: remark, that an Indian leaves several widows, 347.
Reported from Com. of the W., with Amts., 362.

Insolvency Act, 1894; B. (C).
On M. (Mr. Bowell) for 1st R.: ques. as to reference to a special Com., 97.
On M. (Mr. Bowell) for 2nd R.: reply to Mr. Power's speech, as to Halifax not desiring such a law, 237; that Imperial Privy Council decision on Provincial Insolvency laws looks to a Dominion measure, and the country requires it, 238-9.

Inspection of Electric Lights. *See* "Electric."

Insurance Act further Amt.; B. (V).
On M. (Mr. Angers) for 2nd R.: remarks on Mr. Angers's speech, 292; on Mr. Scott's, 296.

Irrigation Bs. *See* "Fish Creek."
*And* "N.W.T. Irrigation B."

Jury (Grand) system. *See* "Criminal Code Amt. B."

Land grants, Militia, N.W. campaign. *See* "Militia."

Lands, Dominion; settlers on school lands; B. (160).
On M. (Mr. Angers) for 2nd R.: extension of B. to pre-emptions advocated, 799.

Land in Terries., Acts consolid. B. (HH).
2nd R. objected to; time for examination of B. required, 629.
In Com. of the W.—On cl. 2: on ques. of mineral rights, 675; further, 675.
On cl. 5: on executor's devise, 675; further, 676.
On cl. 56, sub-sect. *d*: registration of leases over 1 year suggested, 676; further, 676.
Again in Com.—On cl. 92: legal proceedings, cl. should be reconsidered, 677.

LOUGHEED, Hon. James Alex.—*Contd.*

Land in Territories B.—*Continued.*
On cl. 94 : delay in registration of transfer, question raised, 677 ; further, 678.
On cl. 99 : filing a second caveat, "unless by leave of judge" suggested, 678.
On sub.-sect. 6 : proceedings within 3 months, points raised, 678, 679.
On cl. 100 : corporation instrument, without affidavit, inconvenience of cl., 679.

Lobsters, packing, &c. *See* "Fisheries Act Amt. B."

Man. & N.W. Ry. Co. of Canada, B. (X).
Introduced*, 264.
2nd R. *m.**, 274.
3rd R. *m.*, 321. Amt. (Mr. Boulton) to substitute "not less" for "not exceeding" prescribed amount of annual construction, opposed ; that the Co. should not be thus crippled, 326-7-8.

Man. & N.W.T. Schools question.
On M. (Mr. Bernier) for ordinances, Orders in Council, &c.—On the constitutional point and the practical question, 144-5-6-7-8-9, 150-1-2-3-4. On Mr. Bellerose's speech : explanation of remarks made, 161. On Mr. Power's speech : a ques., 174.

Militia in N.W. campaign, land grants ; time further extended ; B. (54).
On M. (Mr. Bowell) for 2nd R. : remarks on scrip claims still unsettled, 637 ; further, 637.
Reported from Com. of the W., without Amt., 687.

Montreal Harbour Commissrs. Acts consolid. B. (S).
In Com. of the W.—On cl. 47, exemption from juries, &c. : on ques. of right to enact, 320.

Mounted Police Bill. *See* "N.W.M. Police."

N.W. campaign, Militia, scrip. *See* "Militia."

N.W. Mounted Police Acts consolid. B. (121).
On M. (Mr. Bowell) for 2nd R. : on graduated scale of salaries for Vet. Surgeons, and for Inspectors, 633 ; further, 633.
In Com. of the W.—On cl. 9 : on constables' powers in other Provinces, 648 ; further, 648.

N.W.T., Game preservation, B. (Z).
On M. (Mr. Bowell) for 1st R. : ques. on scope of the B., 287.
In Com. of the W.—On 2nd cl. : on Mr. Power's suggestion to extend provisions of B. to all northern country, 333.
On cl. 5 : on Mr. Power's suggestion to extend close season ; and as to information of Hudson Bay Co. being accepted, 336.
On cl. 8 : suggestion, to read "food purposes for Indians," 337 ; on Mr. Bowell's remarks, indiscriminate slaughter, 337 ; by Indians, 338. To Mr. Masson : traders numerous, 338 ; licenses suggested, 339 ; designation of traveller, 339.
On cl. 15 : on Mr. Power's suggestion, penalty on Indian and employer, 340.
On cl. 17 : that convicting officer should account for seizures, 340 ; further on the same, 340.
On cl. 19 : that burden of proof should not be on the accused, 341 ; that possession of animals, &c., would make *prima facie* case, 341 ; reply to Mr. Bowell's comparison with Customs law, 342.
On cl. 22 : that declaration be required of applicants for permits for scientific purposes, 343.
Again in Com.—On cl. 19 (burden of proof on accused) : on Mr. Bowell's remarks, 358 ; on Mr. Power's, 358 ; that the cl. should be struck out, 359.

LOUGHEED, Hon. James Alex.—*Contd.*

N.W.T., Grand Jury system. *See* "Criminal Code Amt. B."

N.W.T. Irrigation B. (134).
In Com. of the W.—On cl. 2 : that sub-sect *d* may stand for Amt., 681.
On cl. 4 : replies to Mr. Power and others, applicability of B. to swamp lands advocated, 682-3-4.
On cl. 8 : on ques. of precedence of rights : saving proviso advocated, 684-5.
On cl. 12 : ques. as to necessity for "competent" engineer, 685. As to Cos. intending to use water only for their own purposes, 685-6.
On cl. 29 : ques., 4 years' discrimination, 686.

N.W.T., land in, B. *See* "Land."

Order and Procedure, questions of.
*Bill, Commons Amts.*—Concurrence in some, non-concurrence in others : discussions on proper form of M., 630, 631, 634.
*Bill, provisions for legal procedure.*—On N.W.T. Game Preservation B., held that burden of proof should not lie on the accused, 341 ; that possession of game would be *prima facie* evidence, 341 ; replies to Mr. Bowell's comparisons with Customs laws, 342.—*See also* debate on penalties, on the previous cls. of the B., 340 ; further, on striking out cl. 19, 358, 359.
*Bill, ques. of cl. ultra vires.*—On ques. as to right to enact cl. 47, Montreal Harbour Commissioners B., exempting members of the corporation from juries, &c. : held that with regard to criminal matters, Govt. would have the right, 320.
*Bill, 2nd R., postponement.*—Request for postponement of Land in Terries. B., for proper examination, 629.
*Bills, private, notice wanting.*—Standing Orders Com. having reported notices wanting in case of several Bs. : *m.* that Report be referred back for further consideration, 264.
*Bills, private, Petitions not properly signed.*—M. for suspension of Rule (Red Deer Valley Ry. B.) being objected to, reference of B. back to Standing Orders Com. *m.*, 198. Petition being received, properly signed, 3rd R. *m.*, 332.
*Bills, private, time for reporting on.*—Standing Orders Com. having recommended extension of time till end of session : remarks on stringency of 52nd Rule, 284.
*Constitutional questions.*—*See* "Man. and N.W.T. Schools question," also "Senate, Speaker, B." (below), also "Insolvency B.," Privy Council decision (above).
*Divorce procedure.*—M. for reference to Divorce Com., of Petition for exhibits in a Divorce case of previous session, 285.
*Divorce procedure.*—On proposed "hoist" Amt. to Dillon Divorce B., on ground that both parties are R. Catholics : suggested that this fact be first established in evidence, 300.

Post Office Act Amt. B. (JJ).
Reported from Com. of the W., without Amt.*, 705.

Red Deer Valley Ry. and Coal Co. ; revival of charter and extension of time ; B. (L).
On presentation (Mr. Macdonald, B.C.) of Standing Orders Com. Report, Petition not signed by Co.'s officials : *m.* that 37th rule be dispensed with, 198. On Mr. Miller's objection : notice of such M., 198. On Mr. Miller's further objection : *m.* that B. be referred back to Standing Orders Com., 198.
B. introduced*, 224.
2nd R. *m.* and B. explained, 227.
3rd R. *m.*, with explanation, properly signed Petition received, 332.

**LOUGHEED, Hon. James Alex.**—*Contd.*

Revenue and Audit Act Amt. B. (127).

In Com. of the W.—On sub-sect. 6, cl. 1: on seizures for probable cause, cl. deemed too arbitrary, modification suggested, 661, 662.

Rivers, sawdust in. *See* "Fisheries Act Amt. B."

Rocky Mountain Ry. and Coal Co. Incorp. Act Amt. B. (H).

Introduced*, 205.

On order for 2nd R.: B. having been introduced in Commons, discharge of order *m.*, 226; leave to withdraw the B. *m.*, 226.

Sawdust in Rivers. *See* "Fisheries Act Amt. B."

School Lands, B. *See* "Lands, Dominion."

Senate, Speaker, temporary, provision for; B. (Q).

On M. (Mr. Angers) for 2nd R.: ques., in event of proving *ultra vires*, as to royal proclamation, 262; whether memorial for Amt. to B. N. A. Act would not be better, 263.

Standing Orders Com. Reports. *See* "Order and Procedure."

Territories, Land in, B. *See* "Land."

Trust Corporation of Canada, Incorp. B. (D).

2nd R. *m.*, 155. To Mr. Allan, on objection to similarity of name to that of a present Co.: no objection to change name, 156.

On Report of Standing Orders Com.: future consideration *m.*, 251.

Adoption *m.*, of Standing Orders Com. Report, name changed, &c., 265; on Mr. Power's objection to changed name, 265; clerical errors in Report, 265.

3rd R. *m.*, 273. Mr. Power's Amt., to further change name, opposed, 273.

Commons Amts. Concurrence *m.*, 627; on Mr. Power's suggestion, certain Amts. erroneous, *m.* that B. stand, 628.

M. for concurrence, except 2nd and 4th Amts., 630; after debate on proper procedure, *m.* that B. stand, 630, 631.

Similar M., 634; further on the procedure, 634.

M. for non-concurrence in 2nd and 4th Amts., with reasons (clerical errors, &c.), 634.

M. to rescind above Resolution, and concurrence in 2nd and 4th Amts. *m.*, 644.

Western Canada Trust and Guarantee Co. *See*: "Trust Corporation of Canada B."

Wine, Manufacture of.

Ques., on French Treaty B.: reduction in tax on alcohol for fortifying wines, 756.

Youthful Offenders, separate trial, punishment, &c.; B. (Y).

Reported from Com. of the W., with Amts., 350.

**McCALLUM, Hon. Lachlan.**

Atlantic Steamers. *See* "Ocean Steamship B."

Dillon, James St. G., Divorce B. (T).

On consideration of Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence.—On Mr. Kaulbach's speech, a ques., 371; another, 371. Comments on Mr. Dickey's: no proof against petitioner, 418. On Mr. Poirier's: ques. as to his vote, 441. Amt. (Mr. O'Donohoe) to re-commit for further evidence, opposed; Report of Com., in favour of B., supported, 444.

**McCALLUM, Hon. Lachlan**—*Continued.*

Dominion Burglary Guarantee Co.'s B. (27).

2nd R. *m.* (in absence of Mr. McMillan)*, 481.

France, Treaty with, ratification B. (147).

On Inqy. (Mr. Boulton) whether Treaty will not preclude intercolonial preferences. Compliment upon his speech thereon, 674.

On M. (Mr. Angers) for 2nd R. Comments on his speech, 757, 760. On Mr. Scott's, 762. The Treaty opposed, injury to wine industry, the National Policy, 795-6-7; six months' "hoist" *m.*, 798.

In Com. of the W.—Ques., export of condensed milk, 824; chestnut extract, 824; eels, 825.

Hay inspection. *See* "Inspection, General, Act, Amt."

Hudson Bay Ry. construction B. (—).

On introduction (Mr. Boulton): comment on his remarks as to immigrants by this route: they would be frozen, 271.

Insolvency Act, 1894; B. (C).

On M. (Mr. Bowell) for 2nd R.: comment on Mr. Power's remark that very few desire this law, 237. On the B.: hasty legislation deprecated; who do and who do not want such a law; the B. opposed, 241-2. Comment on Mr. Bowell's reply, as to class that want it, 248.

In Com. of the W.—The B. opposed on various points, 501. On Mr. Bowell's objection to discussion of principle of B. in Com.: that such right was reserved on 2nd R., 503; further on same point, 503. Comment on Mr. Dickey's speech: was not on Special Com., 505.

On Amt. (Mr. McKindsey) that B. shall apply to traders only, 509.

On Amt. (Mr. Miller) that B. shall not apply to farmers: on Sir F. Smith's remarks in opposition thereto, 511; on their paying 66c., 512; or 50c., 512; entire B. opposed, 512.

Again in Com.—Farmers do not require the B.; all Amts. will be opposed, and the B. itself, 556.

Again in Com.—On M. (Mr. Bowell) for new 3rd cl., B. restricted to traders as defined. Ques. on Mr. Scott's speech: millers' tolls, 588; further on millers, 589.

On cl. 35: on Amt. (Mr. Miller) to change $\frac{2}{3}$ to $\frac{1}{2}$, and Amt. (Mr. McKindsey) $\frac{1}{3}$: comments on Mr. McKindsey's speech, 592; the $\frac{2}{3}$ rate supported, 593.

On cl. 61: in debate, on ranking of banks, 601, 602.

On M. (Mr. Bowell) for 3rd R.: comments on Mr. Scott's speech, in *m.* Amt. to cl. 35, leaving creditors to fix rates, 610, 611; ques. of procedure, that the Amt. should be to re-commit the B., 612.

Amt. *m.*, six months' "hoist," 612-13.

Inspection, General, Act, Amt.; hay inspection; B. (125).

In Com. of the W.—Remarks on the proposed system, suggestions, and replies to Hon. Senators, 488, 490, 491, 496.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) for six months' "hoist": the B. opposed, 569.

Montreal Belt Line Ry. Co.'s B. (59).

On M. (Mr. Tassé) for 2nd R.: in view of opposition to B., ques. as to postponement, 565.

## McCALLUM, Hon. Lachlan—*Continued.*

NATIONAL POLICY. *See* "France, Treaty," debate.

NIAGARA FALLS SUSPENSION BRIDGE CO.'S B. (66).
3rd R. *m.* (in absence of Mr. McKindsey)*, 580.

OCEAN STEAMSHIP SUBSIDIES; ATLANTIC FAST LINE; B. (161).
On M. (Mr. Angers) for 2nd R.: comment on Mr. Power's speech, 814. On Sir F. Smith's, 816. On Mr. Read's (Quinté), 817.

RICHELIEU & ONT. NAVIGATION CO.'S B. (62).
(Introduced by Mr. Ogilvie*, 427).
2nd R. *m.* and B. explained, 482.
(3rd R. *m.* by Mr. Ogilvie*, 521.)

ST. CATHARINES & NIAGARA CENTRAL RY. CO.'S B. (79).
(Introduced and 2nd R. *m.* by Mr. McKindsey*, 731-2).
3rd R. *m.**, 665.

STEAMSHIP SUBSIDIES (FAST LINE). *See:*
"Ocean Steamship Subsidies B."

WELLAND POWER AND SUPPLY CANAL CO. INCORP. B. (49).
3rd R. *m.* (in absence of Mr. McKindsey)*, 580.

WINE INDUSTRY. *See* "France, Treaty," debate.

## McCLELAN, Hon. Abner Reid.

HAY INSPECTION. *See* "Inspection, General, Act, Amt."

INSOLVENCY ACT, 1894; B. (C).
On M. (Mr. Bowell) for 2nd R.—On Mr. Dickey's speech: ques., Imperial decision affecting Provincial Insolvency Acts, 234. On the B., its length; the Terry B. in U.S.; ques. of Provincial Insolvency laws; bankruptcy practice in N.B., &c., 239-240.
In Com. of the W.—On Mr. McCallum's speech, opposing B.: remark, lawyers, 556.

INSPECTION, GENERAL, ACT, AMT.; HAY INSPECTION; B. (125).
In Com. of the W.—Ques., mode of inspection, 488; remarks, circulars not sent to Maritime Provinces, mode of inspection, different descriptions of hay in Mar. Provs., 488-9; couch grass, 489; further questions on mode of inspection, 490.
Again in Com.—On Amt. (Mr. Power) defining dyke hay as mixed hay, 526.

N.W.T., GAME PRESERVATION B. (Z).
In Com. of the W.—On cl. 5: Mr. Power agreed with, as to close season; suggested that Govt. have power to change it, 336.
Again in Com.—On cl. 5: On Mr. Bowell's remarks on special cl. for above purpose: that Govt. will give due notice, 357.
On cl. 19 and Mr. Bernier's suggestion to strike it out: remarks on burden of proof, 358.

PROHIBITION, ROYAL COMMISSION ON.
Inqy. whether report has been made; if so, when it will be presented, 348.
Inqy., reminding leader of House of promised reply to above, 361.

REFORMED BAPTIST CHURCH ALLIANCE INCORP. B. (84).
(Introduced by Mr. Perley*, 426.)
2nd R. *m.*, 527. On Mr. Bowell's suggestion that powers of Corporation be defined in Com., 527. On Mr. Power's ques. as to date of first meeting, 527.
Amts. of Private Bs. Com. explained and concurrence to-morrow *m.*, 615.
Concurrence *m.*, as above, 619.
3rd R. *m.*, 620.

## McDONALD, Hon. Wm., (N.S.)

N.W.T. GAME PRESERVATION B. (Z).
Progress reported from Com. of W., 343.
Reported from the Com., with Amts., 360.

## McINNES, Hon. Thomas R. (B.C.)

ADDRESS IN ANSWER TO SPEECH FROM THE THRONE.
On M. (Mr. Ferguson, (P.E.I.) for:
On the Address: Ballot for N.W.T., 54; Behring Sea award and regulations, 54-5-6-7-8-9; Canadian interests sacrificed in Imperial negotiations, 58-9; U.S. depression under protection, 59, 60; tea duties, 59; U.S. silver bill, 59, 60; counterfeit silver production, 60; U. S. and Canadian tariff revision, 60, 61; Canadian and English excise revenue, 61.
On Mr. Angers's speech: Behring Sea regulations, 63.

BALLOT FOR THE N.W.T.
Remarks in debate on the Address, 54.

BEHRING SEA AWARD AND REGULATIONS.
In speech on the Address, 54-5-6-7-8-9. In reply to Mr. Angers's speech, 63.
Inqy. as to truth of cablegram; Govt. statement in Imperial H. of Commons, that Canada has not asked for compensation, 165; further ques., 155.
Inqy. as to reply promised on the above, 199.

CANADA IN IMPERIAL NEGOTIATIONS.
In debate on the Address, remarks, 58-9.

CONTINGT. ACCTS. COM. *See* "Internal Economy Com."

COUNTERFEIT SILVER PRODUCTION.
In debate on the Address, remarks, 60.

CRIMINAL LAW, ADMINISTRATION OF.
Death sentence commuted, Peter and Jack.—M. for Petitions, Orders in Council, &c., 199, 201. Reply to Mr. Angers's remarks: not a political question, 203; when clemency should be recommended, 203; tribal hostility, 203; whether papers will be brought down, 204; details of the murder, 204; objects of Inquiry, 205.
Inqy. when papers will be brought down, 288.
Further Inqy. for the papers, 348.

DEATH SENTENCE COMMUTED, PETER AND JACK. *See* the above.

DILLON, JAMES ST. G., DIVORCE B. (T).
On Report of Com. in favour of B., and Minority Report (Mr. Kaulbach) that Com. ruled out questions and excluded evidence.—Comments on Mr. Scott's speech: questions asked, 388; facts of the case, 391; Parlt. superior to law of Quebec, 391. On the merits of the case; on divorces being granted to R. Catholics; on the evidence; action of the Committee; establishment of Divorce Courts advocated, 395-6-7-8. Comment on Mr. Read's (Quinté) speech: Father Chiniquy, 401. On Mr. Power's: the evidence, 403, 404. On Mr. Dickey's: the evidence, 417; action of Com., 418.
On M. (Mr. O'Donohoe) to re-commit Report for further evidence, and ques. of Order (on resuming debate) that this M. does not appear on Order paper, 431-2-3.
On Mr. Reesor's speech on that M.: on petitioner's silence, 450. The ques. reviewed; attitude of R. C. Senators; that this Amt. is a censure on the Com., 453-4. On Mr. Kaulbach's speech: ques. of proof, 457.

**McINNES, Hon. Thomas R. (B.C.)—*Contd.***

Dillon Divorce B.—*Continued.*

On M. (Mr. Clemow) to restore Com. Report to Order paper: Mr. Angers's contention that Minority Report should be included, opposed, 518.

On M. (Mr. Clemow) for adoption of Com. Report; request of Mr. Kaulbach for further postponement objected to, 614.

On M. (Mr. Clemow) for adoption of Report, and Amt. (Mr. Bellerose) to re-commit and strike out re-marriage cl.; on Mr. Bellerose's speech, a ques., 616; the Amt. opposed, 618.

Electric Light Inspection B. (118).

On M. (Mr. Angers) for 2nd R.—Contention of Messrs. Scott and Power supported, censure on Govt. for late session; on their policy and looking to Washington, 696-7. Comment on Mr. Primrose's reply, 699; further, 699.

England. *See* "Great Britain."

Excise Revenue. *See* "Tariff and Trade matters."

Great Britain and Canadian interests.

Remarks in debate on the Address, 58-9.

Indians, death penalty commuted. *See:*

"Justice, administration of."

Internal Economy Committee.

On appointment to.—On M. (Mr. Bowell) for adoption of that cl. of report of Com. of Selection: request that name of Mr. Reid (Cariboo) be substituted, 98.

3rd Report.—On M. (Mr. McKay) for adoption: comments on salary increases, Messrs. Garneau, Soutter, Gibbs; Amt. *m.*, to increase Postmaster's salary, 653-4; on ques. of Order (Mr. Power) the procedure maintained, 654; comment on Speaker's ruling, 654. Amt. *m.*, to re-commit the Report for the increase, 655. Comments on Mr. Power's speech, 656; on Mr. McMillan's, 656; on Mr. Perley's, 658-9.

Justice, administration of.

Death sentence commuted, Peter and Jack.—M. for Petitions, Orders in Council, &c., 199, 201. Reply to Mr. Angers's remarks: not a political question, 203; when clemency should be recommended, 203; tribal hostility, 203; whether papers will be brought down, 204; details of the murder, 204; objects of Inquiry, 205.

Inqy. when papers will be brought down, 288.

Further Inqy. for the papers, 288.

N. W. T., the ballot for.

Remarks in debate on the Address, 54.

Order and Procedure, questions of.

*Com. Report and Minority Report, disposal of.*—*See* debate on "Dillon Divorce B." (above).

*Com. Report, mode of amending.*—M. to amd. Internal Economy Com. Report, by increasing Postmaster's salary, 653. That procedure maintained, and precedent quoted, 654. On Speaker's ruling, M. to re-commit the Report, with instructions to amd. accordingly, 655.

*Debate, expressions in.*—Reply declined, to Mr. O'Donohoe's personal remark, in Dillon Divorce debate, 454.

*Divorce Procedure.*—On question of Divorces to R. Catholics; on the course pursued by Divorce Com.; Divorce Courts advocated, &c.—*See* the debate on "Dillon Divorce B." (above).

**McINNES, Hon. Thomas R. (B.C.)—*Contd.***

Order and Procedure—*Continued.*

*Legislation, looking to Washington.*—Remarks on 2nd R. of Electric Light Inspection B., 696-7, 699.

*Motion, not on Order paper.*—Ques. of Order (Mr. Bellerose) supported, and Mr. O'Donohoe's speaking objected to, Mr. O'Donoe's M. to re-commit Divorce Com. Report (Dillon case) not appearing on Order paper, 431-2-3.

*Session, late date of.*—Remarks on 2nd R. of Electric Light Inspection B., 696-7, 699.

Peter and Jack, death sentence commuted. *See:*

"Justice, administration of."

Postmaster's Salary. *See* "Internal Economy Com."

Seal Fishery. *See* "Behring Sea."

Senate Officials. *See* "Internal Economy Com. Report."

Session, late date of holding.

Remarks on 2nd R. of Electric Light Inspection B., 696-7, 699.

Silver, Counterfeit, production.

In debate on the Address, remarks, 60.

Tariff and Trade matters.

Remarks in debate on the Address: depression in U.S. due to protection, 59, 60; tea duties, 59; U.S. and Canadian tariff revision, 60, 61; Canadian and English excise revenue, 61.

Comments on Govt. looking to Washington in tariff matters, on 2nd R. of Electric Light Inspection B., 696-7, 699.

U.S. and the Behring Sea award.

In speech on the Address, 54-5-6-7-8-9. In reply to Mr. Angers's speech, 63.

Inqy. as to truth of cablegram: Govt. statement in Imperial H. of Commons, that Canada has not asked for compensation, 155; further ques., 155.

Inqy. as to reply promised on the above, 199.

U.S. depression and U.S. Tariff.

Remarks in debate on the Address, 59, 60, 61

U.S. Silver Bill.

Remarks in debate on the Address, 59

U.S. Tariff and Canadian policy.

Remarks on 2nd R. of Electric Light Inspection B., 696-7, 699.

**McKAY, Hon. Thomas.**

Address in answer to Speech from the Throne.

On M. (Mr. Ferguson, P.E.I.) for: on Mr. McInnes's (B.C.) speech: Behring Sea regulations and Capt. Cox's statements, 57.

Ballot, vote by. *See* "N.W.T. Representation Act Amt."

Bills, Private, time for reporting on.

On Standing Orders Com. Report, to extend time till end of session, and objections of various Hon. Senators, 283.

Bribed Voters' disfranchisement B. *See* "Voters."

Contingt. Accts. Com. *See* "Internal Economy."

**McKAY, Hon. Thomas**—*Continued.*

Dillon, James St. G., Divorce B. (T).

On consideration of Report of Com. in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence.—On Mr. Kaulbach's speech : ques., marriage certificate, 373 ; remark, how respondent was left, 374 ; Mr. Lougheed's vote, 376 ; number of Mr. Kaulbach's questions, 377. On Mr. Power's speech : cases quoted, contested ones, 411. Action of Com. defended ; no precedent for ques. as to adultery of petitioner ; marriage cert. sufficient evidence of creed, 423. On Mr. O'Donohoe's speech ; ques., power of chastising wife, 424.

On M. (Mr. O'Donohoe) to re-commit the Report for further evidence : on Mr. Power's speech, effect of re-committal, 452.

On M. (Mr. Clemow) to restore Report to Order paper for further consideration, and Amt. (Mr. Scott) 3 months' "hoist" ; Amt. (Mr. Boulton) for *consideration* of Report on Tuesday objected to, as out of Order, 520.

French Translators. *See* "Internal Economy Com."

Hudson Bay Ry. construction B. (BB).

On M. (Mr. Boulton) for 2nd R. On ques. of reading B. for publication in Debates ; that, if passed, it will appear in Statutes, 468 ; further on procedure, 469. Ques. of getting shingles from Hudson Bay by the Ry., 473.

Insolvency Act, 1894 ; B. (C).

In Com. of the W.—That 3rd R. will be opposed ; but killing B. in Com. unmanly, 508.

Inspection, General, Act, Amt. ; hay inspection, provision for ; B. (125).

Progress reported, from Com. of the W., 496.
Reported from the Com., with Amts., 526.

Internal Economy Com. Report.

Presented, and adoption *m.* : French translators, short-hand assistance to Law Clerk, 249 ; further, 250.

3rd Report, adoption *m.* : distribution of clerical duties : French translator ; salaries of Messrs. Soutter, Garneau, Gibbs ; supervision of messengers by Serjt.-at-Arms ; Gagnon, number of messengers reduced ; employees reporting each other ; Law Library books, 649, 650-1 ; further on supervision of messengers, 651.

Law Clerk, Books and Short-hand Writers.—*See* "Internal Economy Com. Report."

Messengers. *See* "Internal Economy Com."

N.S. Steel Co. Incorp. B. (131).

Introduced*, 639.
2nd R. *m.* and B. explained, 664.
(3rd R. *m.* by Mr. Power*, 689).

N.W.T. Representation Act Amt. ; Ballot Voting B. (5).

On M. (Mr. Angers) for 2nd R.—On Mr. Power's speech on disfranchisement of Dom. officials in N.S., 462.

Order and Procedure, Questions of.

*Bill, private, irregularity in.*—On Red Deer Valley Ry. petition ; reported to House by Standing Orders Com., because not properly signed, 198.

**McKAY, Hon. Thomas**—*Concluded.*

Order and Procedure—*Continued.*

*Bill, publication in Debates.*—On Mr. Boulton proposing to read at length his B. for Hudson Bay Ry. construction : pointed out that if B. is passed, it will appear in the statutes, 468 ; further on procedure, 469.

*Bill, rejection in Com. opposed.*—That 3rd R. of Insolvency B. will be opposed ; but killing it in Com. unmanly, 508.

*Bills, Private, time for reporting, extension.*—Held that Mr. Bowell's argument as to Rules is not entirely applicable ; difference between Commons and Senate procedure explained, 283.

*Com. Report, restoration to Order paper.*—*See* debate on "Dillon Divorce case" (above).

*Divorce procedure.*—*See* the debate on "Dillon Divorce case" (above).

Red Deer Valley Ry. and Coal Co.'s B. (—).

On Report presented (Mr. Macdonald, B.C.) of Standing Orders Com., Petition not properly signed : ques., whether B. is reported, 197 ; on action of the Com., in referring to House, 198.

Senate Officials. *See* "Internal Economy Com."

Short-hand Writers. *See* "Internal Economy Com."

Translators. *See* "Internal Economy Com."

Voters who have taken Bribes, Disfranchisement B. (6).

On M. (Mr. Dickey) for 2nd R.—The B. opposed, 499.

**McKINDSEY, Hon. George C.**

Criminal Code Amt. B. (126).

In Com. of the W.—On the Schedule, sect. 662 : on ques. of Grand Jury panel in Ont., 749 ; reduction of quorum for finding true bill, objected to, 749 ; B. conflicting with proceedings of local Parlt., &c., 749-50 ; on recent legislation, criminal testifying in his own behalf ; M. that this cl. be struck out, 750. Further on Grand Jury panel, 750-1.

On M. (Mr. Angers) for 3rd R.—Further on ques. of Grand Jury panel ; also on Amt., two magistrates sitting, option of jury trial, 752-3-4.

Dillon Divorce B.

On Report of Divorce Com., in favour of B., and Minority Report (Mr. Kaulbach) : remarks on procedure, on M. (Mr. O'Donohoe) to re-commit Report for further evidence, and ques. of Order (Mr. Bellerose) that this M. does not appear on Order paper, 432.

Erie and Huron Ry. Co.'s B. (81).

Introduced*, 499.
2nd R. *m.*, 526.
(3rd R., *m.* by Mr. Vidal*, 580).

Grand Jury. *See* "Criminal Code Amt. B."

Insolvency Act, 1894 ; B. (C).

On M. (Mr. Bowell) for 2nd R. : remark on Mr. Vidal's speech, as to consideration after Com. report, 245.

On M. (Mr. Bowell) for appointment of Special Com. : that a Com. of 25 is too large ; division into sections suggested, 249 ; on Mr. Bowell's suggestion as to Sub-Coms., 249.

In Com. of the W.—On cl. 2, sub-sect. *a* : Amt. *m.* substituting "trader" for "debtor," 499, 500 ; on Mr. Macdonald (P.E.I.) suggesting a modification, 501 ; on Mr. Bowell's suggestions, 502 ; further, 502.

**McKINDSEY, Hon. George C.**—*Continued.*

Insolvency Act—*Continued.*

Objection taken, on Mr. Dickey rising to discuss principle of B. in Com., 505; further on that point, and on the proposed Amt. 506.

Amt. *m.* that B. shall apply to traders only, 508; on Mr. Miller's suggestion thereon, 509; on Mr. McCallum's, 509; on Mr. Miller's, 509. Amt. withdrawn, 512.

Again in Com.—Amt. to cl. 2 withdrawn, 552.

On cl. 3: Amt. *m.*, defining classes of debtors, 552-3; further remarks, 553. On Mr. Kaulbach's speech: ques., English law, 555. Further remarks on the Amt.; farmers going into insolvency only voluntary, &c., 555, 556. On Mr. McCallum's speech, a ques., 556.

On cl. 6, sub-sect. *a.*: ques., relief of insolvent who has not made assignment, 562; further, the cl. not clear, 562.

On cl. 35: Amt. *m.*, reduction to 33⅓ cents, 563. Again in Com., on same cl., and Amt. (Mr. Miller) reduction to 50 cents: all these cls. unsatisfactory and should be struck out, 592; further, 592; Amt. *m.*, to reduce ⅔ to ½, 593; further remarks, 594; Amt. *withdrawn*, 600.

Niagara Falls Suspension Bridge Co.'s B. (66).

Introduced*, 426.
2nd R. *m.**, 483.
(3rd R., *m.* by Mr. McCallum*, 580).

Ont. Loan and Debenture Co.'s B. (38).

Introduced*, 427.
2nd R. *m.**, 485.
3rd R. *m.**, 614.

Order and Procedure, questions of.

*See* the debates on "Dillon Divorce B.," and on "Insolvency B."

On B. conflicting with local legislation. *See* "Criminal Code Amt. B."

St. Catharines and Niagara Central Ry. Co.'s B. (79).

Introduced*, 631.
2nd R. *m.**, 632.
(3rd R., *m.* by Mr. McCallum*, 665).

Welland Power and Supply Canal Co. Incorp. B. (49).

Introduced*, 426.
2nd R. *m.**, 483.
(3rd R. *m.* by Mr. McCallum*, 580).

**McMILLAN, Hon. Donald.**

Bell Telephone Co.; borrowing powers; B. (34).

Introduced*, 276.
2nd R. *m.* and B. explained, 286.
3rd R. *m.**, 321.

Customs duties Act consolid. B. (135).

On M. (Mr. Bowell) for 2nd R.—Comment on Mr. Boulton's speech, imports, 878; a ques. on taxation, 879.

Dominion Burglary Guarantee Co.'s B. (27).

Introduced*, 426.
(2nd R. *m.* by Mr. McCallum*, 481).
3rd R. *m.**, 521.

France, Treaty with, ratification, B. (147).

On M. (Mr. Angers) for 2nd R.—On his speech: comment, native wine, 756.

Inspection of Ships Act Amt. B. (113).

Reported from Com. of the W. without Amt., 496.

**McMILLAN, Hon. Donald**—*Continued.*

Insurance Act further Amt. B. (V).

On M. (Mr. Angers) for 2nd R.—On his explanation of sect. 12; ques., newly organized Companies, 293.

Internal Economy Com., 3rd Report.

On M. (Mr. McKay) for adoption, and Amt. (Mr. McInnes, B.C.) to re-commit, to increase Postmaster's salary: in debate, that salary of Mr. Gibbs, Accountant, should be increased, 656; further thereon, 656.

Man, and N.W.T. Schools question.

On M. (Mr. Bernier) for ordinances, correspondence, &c.—Comment on Mr. Scott's speech: public schools, 123. On Mr. Lougheed's: ques., examination of lady teachers, 152.

Senate officials. *See* "Internal Economy Com."

Sessional Indemnity, 12 days' absence not chargeable; B. (164).

On M. (Mr. Angers) for 3rd R.—Comment on Mr. Boulton's speech, mileage, 840.

Tariff, new. *See* "Custom Duties B." (above).

**MACDONALD, Hon. Andrew A. (P.E.I.)**

Deck-load law. *See* "Ships, safety of, B."

Insolvency Act, 1894; B. (C).

On M. (Mr. Bowell) for 2nd R.: B. supported, with a view to its reference to Com.; remarks on bankruptcy practice, 244.

In Com. of the W.—On cl. 2, sub-sect. *a*: on Amt. (Mr. McKindsey) to substitute word "trader" for "debtor," suggested "debtor engaged in trade," 500.

On cl. 35: on Amt. (Mr. Miller) to reduce from ⅔ to ½, and amt. (Mr. McKindsey), ⅓: that 50c. is fair, 596.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) to change cl. 35 from ½ to ⅔: the Amt. opposed, 607.

Insurance Act further Amt.; B. (V).

On M. (Mr. Angers) for 2nd R.: safeguards from foreign Cos. necessary; the B. approved, 297.

Moncton and P.E.I. Ry. and Ferry Co.; extension of time; B. (I).

On M. (Mr. Poirier) for 2nd R.; expediency of B. questioned, 254.

Ships, safety of, Act, Amt.; six-feet deck-load permitted to W. I., &c.; B. (G).

In Com. of the W.—On 1st cl.: comments on past and present law, six-feet deck-load dangerous for small vessels, &c., 279. On Mr. Kaulbach's remarks: same deck-load cannot be carried to U.S. as to W.I., 281.

On 3rd cl.: on M. (Mr. Power) to add S. American ports: that this would include ports round Cape Horn, 282.

**MACDONALD, Hon. Wm. John (B.C.)**

Address in answer to Speech from the Throne.

On M. (Mr. Ferguson, P.E.I.) for. On Mr. Power's speech: Behring Sea regulations, 43; increased ocean communication, 46.

On Mr. Kaulbach's: increased ocean communication, 47.

On Mr. Angers': Behring Sea regulations, 64; P.E.I. meat in B.C., 64; the U.S. depression and their tariff, 65.

On Mr. Boulton's: Canadians and U. S. paper export, 81.

MACDONALD, Hon. W. J. (B.C.)—*Contd.*

ADDRESS, ANSWER TO SPEECH FROM THE THRONE—*Continued.*

On the Address: Behring Sea award and regulations, 81-2-3; the Washington treaty and its results, 82; increased ocean communication, 83.

BALLOT, VOTE BY.

Remarks on 2nd R. of N.W.T. Representation Act Amt. B., 464.

BEHRING SEA AWARD AND REGULATIONS.

In debate on the Address. Comment on Mr. Power's speech, 43. On Mr. Angers's, 64. On the Address, 81-2-3.

BILLS, PRIVATE, PETITIONS, TIME EXPIRED.

2nd Report of Standing Orders Com. presented: time has expired; H. of Commons grants no extension, 134.

——— PETITIONS, NOTICES WANTING.

13th Report of Standing Orders Com. presented, 264; reply to Mr. Miller, notices sent to parties interested, 264; object of Report to place matter on Journals, 264.

——— TIME FOR REPORTING, EXTENSION OF.

15th Report presented and explained: extension of time for reporting up to end of session, 277.

Same Report, further explained and adoption *m.*, 282. Reply to Mr. Kaulbach: portion relating to petitions already expired, 283. To Mr. Allan, further explanation, 284. On Mr. Bowell's remarks, as to interpretation of rule, 284. M. to refer Report back to Com., 285. To Mr. Power: some Bs. go to other Coms. for report, 285.

CHINESE RESIDENTS IN B. C.

Inqy., whether Govt. intends extending time for visiting China on certificate, 497.

CONSOLIDATED REVENUE AND AUDIT ACT. *See* "Revenue."

CONTINGENT ACCTS. COM. *See* "Internal Economy."

CUSTOMS SEIZURE. *See* "Revenue and Audit Act."

DILLON, JAMES ST. G., DIVORCE B. (T).

On Report of Com. in favour of B., and Minority Report (Mr. Kaulbach).—Comments on Mr. Kaulbach's speech: Parly. discretion as to procedure, 370; on ques. forbidden by Com. to be put to petitioner, 374; further, 374; further, 374; on power of respondent to oppose the divorce, 375.

In resumed debate.—Comment on Mr. Scott's speech: practice in French courts, 386; feeling among R. Catholics, 391; result of separation only, 392. On Mr. McInnes's (B.C.): creed of petitioner, 396; infrequency of divorces in B.C., 398. On Mr. Power's: creed of petitioner, 403; guilt only presumptive, 411.

On M. (Mr. O'Donohoe) to re-commit Report for further evidence: the ques. reviewed, 449.

On M. (Mr. Clemow) to restore Com. Report to Order paper: ques. on procedure, 515.

On M. (Mr. Clemow) for adoption of Com. Report, and Amt. (Mr. Bellerose) to re-commit and strike out re-marriage cl. of B.: appeal to Govt. to establish Divorce Courts, 618.

DIVORCE COURTS, ESTABLISHMENT OF.

Appeal to Govt. for, in debate on Dillon case, 618.

MACDONALD, Hon. W. J. (B.C.)—*Contd.*

FISHERIES ACT AMT. B. (145).

In Com. of the W.—Ques., enforcement beyond 3-mile limit, 706.

From Com. of the W., progress reported, 725.

GAME IN N.W.T., PRESERVATION OF. *See* "N.W.T."

INDIAN ACT AMT. B. (CC).

In Com. of the W.—On cl. 1, sub-sect. 8 (children's part of estate): ques. whether intention to parcel out the reserves in severalty, 361; whether Indian can devise improvements, 362; that those who cultivate land should have real property in it, 362.

INSOLVENCY ACT, 1894; B. (C).

In Com. of the W.—On cl. 35: objection to B. proceeding until amount to be paid by insolvent is fixed, 563.

Again in Com.—On M. (Mr. Bowell) for new 3rd cl., B. to apply only to traders as defined. Comment on Mr. Reesor's speech: second mortgage no security, 590.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) for discharges under Provincial laws: on his speech, a ques., 609.

INSPECTION OF SHIPS ACT AMT., TO INCLUDE ALL SHIPS; B. (113).

On M. (Mr. Bowell) for 2nd R.: ques., cost of inspection, 465.

INTERNAL ECONOMY COM., 4TH REPORT.

On M. (Mr. Read, Quinté) for adoption.—That power of suspension is too arbitrary, 680.

JUVENILE OFFENDERS IN N. B., B. *See* "N. B."

LORD'S DAY, BETTER OBSERVANCE, B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) for six months' "hoist": M. for 2nd R. seconded; remarks on imperfections of B., 575.

MAN. AND N. W. T. SCHOOLS QUESTION.

On M. (Mr. Bernier) for ordinances, Orders in Council, &c.—On Mr. Scott's speech: ques., church schools, 124. On Mr. Power's speech: ques., time for disallowance, 176.

NEW BRUNSWICK, JUVENILE OFFENDERS, CUSTODY OF; B. (GG).

In Com. of the W.—Ques. as to increasing age from 15 to 17, 565.

N.W. MOUNTED POLICE ACTS CONSOLID. B. (121).

Reported from Com. of the W., without Amt., 648.

N.W.T., GAME PRESERVATION B. (Z).

On M. (Mr. Bowell) for 2nd R.—Comment on Mr. Power's speech: close season too short, 307.

N.W.T. IRRIGATION B. (134).

Reported from Com. of the W., with Amts.*, 686.

N.W.T. REPRESENTATION ACT AMT.; BALLOT VOTING; B. (5).

On M. (Mr. Angers) for 2nd R.—Remarks on this B., and on vote by ballot generally, 464.

OCEAN COMMUNICATION, INCREASED.

In debate on the Address.—Comment on Mr. Power's speech, 46. On Mr. Kaulbach's, 47. On the Address, 83.

**MACDONALD, Hon. W. J. (B.C.)—*Contd.***

Order and Procedure, questions of.

*Bills, private, procedure on.*—See "Bills, private," (above) for the Reports of Com. and Ms. thereon.

*Divorce procedure.*—See "Dillon Divorce case" (above).

*Standing Orders, Amt. to.*—That no notice given of consideration of cl. 2 of Report of Com. on Selection of Standing Coms., for amt. of Rule, 98.

*Standing Orders Com. Report.*—On ques. of adoption of Report, or M. to carry out its subject. *See* "Standing Orders Com." (below).

Prince Edwd. Island Meat in B.C.

In debate on the Address.—Comment on Mr. Angers' speech, 64.

Prince Edwd. Island, winter communication, financial claims, &c.

On M. (Mr. Ferguson, P.E.I.) for correspondence. —On his speech: ques., conditions of $20,000 annual grant, 538.

Private Bills, irregularities, &c. *See* "Bills."

Red Deer Valley Ry. and Coal Co.'s B. (—).

Report of Standing Orders Com. presented: Petition not properly signed, 197. Replies to Messrs. Miller and McKay: no recommendation in Report, 197.

Revenue and Audit Act Amt. B. (127).

In Com. of the W.—On sub-sect. 6, cl. 1, seizures for probable cause: on case cited by Mr. Dever, comment, 664; a ques., 664.

Schools, separate. *See* "Man, & N.W. Schools."

Seal Fishery. *See* "Behring Sea."

Senate officials. *See* "Internal Economy Report."

Ships, inspection of, B. *See* "Inspection."

Standing Committees, appointment of.

On consideration of Report of Com. of Selection: that no notice issued, according to Rules, for consideration of cl. 2 of the Report, 98.

Standing Orders Com. Reports presented.

Private Bills, time for Petitions expired, 134.
Red Deer Valley Ry. and Coal Co.'s B., 197.
Private Bs., several, notices wanting, 264.
Extension of time for reporting, 277, 282-3-4-5.
19th Report presented (for suspension of 52nd Rule, for Petition for N. S. Steel Co.'s Incorp. B.), 496.—On M. (Mr. Miller) for suspension of Rule, and discussion on procedure: adoption of Report also *m.*, 497.

Steamship service. *See* "Ocean communication."

Sunday observance B. *See* "Lord's day."

U. S. Tariff and Trade matters.

In debate on the Address.—Comment on Mr. Angers' speech, 65. On Mr. Boulton's, 81.

——— *See also* "Behring Sea."

Washington Treaty and its results.

Remarks in debate on the Address, 82.

Youthful Offenders in N.B., Bill. *See* "N.B."

**MacINNES, Hon. Donald (Burlington).**

Alberta Southern Ry. Co. Incorp. B. (101).

3rd R. *m.* (in absence of Mr. Power), 619.

**MacINNES, Hon. D. (Burl.)—*Continued.***

Atlantic and N. W. Ry. Co.; extension of time, &c.; B. (30).

Introduced*, 276.
2nd R. *m.* and B. explained, 286.
Amt. of Ry. Com. (C. P. R. agreement cl.) concurrence *m.*, 309.
3rd R. *m.**, 321.

Atlantic fast line. *See* "Ocean Steamship Subsidies."

Canada and Michigan Tunnel Co.'s B. (25).

Introduced*, 229.
2nd R. *m.**, 264.
3rd R. *m.**, 321.

Canada Life Assurance Co. *See* "Insurance Act Amt."

Canada Southern Ry. B. (DD).

Introduced*, 366.
2nd R. *m.**, 425.
3rd R. *m.**, 521.

Cobourg, Northd. and Pacific Ry. Co.'s B. (132).

Introduced*, 687.
(2nd R. *m.* by Mr. Read, Quinté*, 704.)
3rd R. *m.**, 727.

Contingt. Accts. Com. *See* "Internal Economy."

Electric Light Inspection B. (118).

On M. (Mr. Angers) for 2nd R.—Reply to Opposition criticisms: time taken over Tariff in Commons; date of calling Parlt.; U. S. tariff legislation compared; work done by Senate, 698.

Electrical Measure, Units of, B. (117).

In Com. of the W.—Explanation of nature of B., 864.

France, Treaty with, ratification of.

On Inqy. (Mr. Boulton) whether intercolonial preferences will not be precluded.—Comment on his speech: that contention opposed, 666, 667; further, 667.

Guelph Junction Ry. Co.'s B. (63).

Introduced *, 365.
2nd R. *m.**, 408.
3rd R. *m.**, 460.

Insolvency Act, 1894; B. (C).

On M. (Mr. Bowell) for 2nd R.: assignee system condemned; the B. supported, 242.

In Com. of the W.—On cl. 3, and Amt. (Mr. McKindsey) defining classes of debtors: that farmers should not be excluded; comments on Provincial laws; uniformity in Dominion desirable, 554.

In Com. of the W.—On cl. 35, and Amt. (Mr. McKindsey) change from 66⅔c. to 33⅓c.: Amt. *m.*, change to 60c., 563.

Again in Com.—On M. (Mr. Bowell) for new 3rd cl., B. to apply only to traders as defined: ques., application to all classes except farmers, 588; ques., farmers ranching, 588; buying and selling cattle, &c., 588.

On cl. 35.: on Amt. (Mr. Miller) to reduce ⅔ to ½, and Amt. (Mr. McKindsey), ⅓: that ⅔ is fair, 596, 597; on Mr. Bowell's speech, a remark, 598.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) to change cl. 35 from ½ to ⅔: Amt. supported, 606.

**MacINNES, Hon. D. (Burl.)**—*Concluded.*

INSURANCE ACT FURTHER AMT. B. (V.)

On Message from Commons, with their Amts.—On Mr. Angers's notice of an Amt.: notice of further extension of list of securities, 823.

On M. (Mr. Angers) for concurrence in Commons Amts.—Amt. *m.*, non-concurrence in 27th Amt., to insert cl. *d.* in the B., limiting investments authorized for Co.'s, 826-7-8. On Mr. Angers's speech: comment, capital of Canada Life Co., 835.

INTERNAL ECONOMY COM., 3RD REPORT.

On. M. (Mr. McKay) for adoption.—That Usher of the Black Rod, not Serjt.-at-Arms, should supervise messengers, 652. Cl. directing officials to report others, disapproved of, 652.

LAKE ERIE, &C., RY. CO., AND LONDON AND P. STANLEY RY. CO.; B. (82).

Introduced *, 692.
2nd R. *m.**, 692.
3rd R. *m.**, 705.

LAKE MEGANTIC RY. CO., INCORP. B. (58).

3rd R. *m.* (in absence of Mr. Ogilvie)*, 580.

MONTREAL AND OTTAWA RY., TIME FOR COMPLETION EXTENDED; B. (48).

Introduced *, 347.
2nd R. *m.**, and B. explained, 363.
3rd R. *m.**, 384.

OCEAN STEAMSHIP SUBSIDIES; Atlantic fast line; B. (161).

On M. (Mr. Angers) for 2nd R.—Comment on Mr. Power's speech, 812.

RIVER ST. CLAIR RY. BRIDGE AND TUNNEL CO.'S B. (33).

3rd R. *m.* (in absence of Mr. Ferguson, P.E.I.)* 366.

ROCKY MOUNTAIN RY. AND COAL CO.'S B. (80).

3rd R. *m.* (in absence of Mr. Perley)*, 580.

SENATE, LEGISLATIVE WORK PERFORMED IN.

Reply to Opposition, on 2nd R. of Electric Light Inspection B., 698.

SENATE OFFICIALS. *See* "Internal Economy Com."

SESSION, DATE OF HOLDING.

Reply to Opposition, on 2nd R. of Electric Light Inspection B., 698.

STEAMSHIP SUBSIDIES B. *See* "Ocean Steamship."

TARIFF LEGISLATION, OPPOSITION CRITICISMS.

Remarks on 2nd R. of Electric Light Inspection B., 698.

USHER OF BLACK ROD, DUTIES. *See* "Internal Economy Com."

**MASSON, Hon. Louis François R.**

DILLON, ST. G., DIVORCE B. (T).

On consideration of Com. Report, in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and suppressed evidence.—Comment on speech of Mr. McInnes, B.C.: ecclesiastical authority the law in Quebec, 395; further on the same, 395; further, 395; further, 395.

On M. (Mr. Clemow) to restore Com. Rep. to Order paper: Mr. Angers's contention that Minority Report should also be restored, supported, 517. On Amt. (Mr. Scott) for 3 months' "hoist": suggestion as to form of M., 520.

**Masson, Hon. Louis F. R.**—*Continued.*

FRENCH TRANSLATION OF BILLS. *See* "Order and Procedure" (below).

GAME PRESERVATION, N.W.T. *See* "N.W.T."

INSURANCE ACT AMT. B. (V).

Commons Amts.—On M. (Mr. Angers) for concurrence, and Amt. (Mr. MacInnes, Burlington) non-concurrence in 27th Amt., to insert cl. *d.* in the B., limiting investments authorized for Cos.: on the disagreement between Cabinet Ministers, adjt. of debate advised, 836.

LIGHTHOUSES, BUOYS, &C., AND SABLE ISLD., B. (B).

On Mr. Bowell's postponing 2nd R.: on ques. whether B. should originate in Commons, as involving expenditure, 88.

MONTREAL HARBOUR COMMISSRS. ACTS CONSOLID. B. (S).

In Com. of the W.—On cl. 8: on Mr. Ogilvie's remarks as to unfitness of certain Commissioners, 313.

N.W.T. GAME PRESERVATION, B. (Z).

In Com. of the W.—On cl. 8: on ques. of killing fur-bearing animals, 337; skins refused by H. B. Co., killed out of season, 338. Ques., independent traders, 339; they would employ Indians out of season, 339.

On cl. 19: on burden of proof lying on accused; possession of unlawful articles, &c., 342.

Again in Com.—On Mr. Bernier's suggestion to strike out cl. 19: further on admissible evidence, 358, 359; on Mr. Drummond's suggestion to modify the phrase, 359.

On cl. 8: further on ques. of Indians killing out of season, 359.

ORDER AND PROCEDURE, QUESTIONS OF.

*Bill not printed in French.*—Youthful offenders B. (Mr. Allan); 2nd R. not opposed, but if French printing not attended to, objection will be taken to any B. not printed in French, 300, 301.

*Bill, Senate, involving Expenditure.*—On doubt as to Lighthouses, &c., B. (Mr. Bowell) involving expenditure, as it deals with salaries of officials, 88.

*Cabinet Ministers, disagreement between.*—Comments on Sir F. Smith's opposition to Mr. Angers' refusal to withdraw Amt. to Insurance Act Amt. B., 836.

*Com. Report, restoration to Orders.*—*See* debate on "Dillon Divorce case" (above).

*Constitutional question.*—Ecclesiastical authority the law of the land in Quebec; comment on Dillon Divorce case, 395; further, on the same, 395; further, 395; further, 395.

*Divorce Procedure.*—See also "Dillon" (above).

YOUTHFUL OFFENDERS, SEPARATE TRIAL, &C.; B. (Y).

On M. (Mr. Allan) for 2nd R.: not printed in French: remarks, in future, objection will be taken, if Bs. not printed in French, 300, 301.

**MERNER, Hon. Samuel.**

ONT. MUTUAL LIFE INS. CO.'S B. (28).

Introduced *, 308.
2nd R. *, 333.
3rd R.*, 521.

**MILLER, Hon. William.**

Bills, Private, irregularities, &c. *See* "Order and Procedure" (below).

Cobourg, Northd. and Pacific Ry. Co.'s B.

On presentation of Petition for an Act: time having expired, suggested: B. may be introduced in Commons; then on coming to Senate before 2nd R., may be referred to Standing Orders Com., 225.

Debates Committee, report of.

On M. (Mr. Bellerose) for adoption of 2nd Report; a ques., fixing price of extra copies, 265.

Dillon Divorce B. (T).

On M. (Mr. Clemow) for 2nd R., and proposed Amt. (Mr. Bellerose), six months' "hoist," on the ground that both parties are R. Catholics: held, that has nothing to do with the question, 300.

On Notice being called, of M. for further consideration of Report of Divorce Com.: held that the M. is regular, 482; further, on the proper procedure, 482.

On M. (Mr. Clemow) to restore Report to Order paper, and Mr. Angers's objection that Minority Report should be included: at length on the procedure; held that the M. is quite regular, 514; replies to various Senators, 515, 516.

Divorce case. *See* "Dillon."

French Translators, additional.

On M. (Mr. McKay) for adoption of Internal Economy Com.'s Report, and objection (Mr. Power) that it does not embody Com.'s recommendation, as it restricts translators to B. work: held that the Report cannot be amended in the House, 250; even by unanimous consent, 250.

Hudson Bay Ry. construction B. (—).

On introduction (Mr. Boulton): 1st R. objected to; could only be initiated in Commons, and on a Message from the Crown, 270, 272.

On M. (Mr. Boulton) for 2nd R. of B. (BB) on similar subject: his reading the B. at length, as part of his speech, objected to, 469.

Insolvency Act, 1894; B. (C).

In Com. of the W.—On cl. 2, sub-sect. *a*, and Amt. (Mr. McKindsey) to substitute word "trader" for debtor: Mr. Power agreed with, that the Amt. should come into cl. 3, 501. On the same, and Mr. Bowell's suggestion as to procedure; on the B., exclusion of farmers advocated, 503-4.

On Amt. (Mr. McKindsey) that B. apply to traders only: that this might be *m.* in Amt. to a cl., 509. Further on this Amt., and on the procedure, 509. On Mr. Bowell's suggestion that these cls. stand till again in Com., 510.

Amt. *m.*, that B. shall not apply to farmers, 511; in any way, 511. Mr. McKindsey having withdrawn his Amt., this Amt. also *withdrawn*, 512.

Again in Com.—On cl. 3: on Amt. (Mr. McKindsey) dividing debtors into two classes: Amt. should be printed and considered, 553.

Again in Com.—Intention to *m.* reduction to 50c., 579.

On cl. 35.: Amt. *m.*, as above, 590. On Mr. Power's speech, remarks, cl. 35, 591.

On proposed Amt. (Mr. McKindsey) to reduce rate to ⅓: suggestion that Mr. Miller's M. (as above) be put first, 593. Comments on Mr. Ferguson's (P.E.I.) speech, 593, 594; on Mr. MacInnes's (Burlington), 597.

**MILLER, Hon. William**—*Continued.*

Insolvency Act—*Continued.*

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) to change cl. 35 from ½ to ⅔: the Amt. opposed, 604-5.

On Amt. (Mr. Power) for discharge to insolvents in accordance with laws of their provinces: on his speech, a ques., 609.

Ques. of Privilege: an incorrect report in Montreal *Gazette*, 620.

Lighthouses, Buoys, &c., and Sable Island, B. (B).

On Order for 2nd R., and ques. of procedure: that it does not infringe rights of Commons, not fixing salaries, 88.

On M. (Mr. Bowell) for 2nd R.: Mr. Kaulbach's point, that conferring power on Minister to make contracts creates liabilities, not sustained, 89.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr Almon) six months' "hoist." Comments on Mr. Scott's speech: changes made in B., 568. On Mr. Allan's: ques., effect of B., 570. On Mr. Bowell's: B. amd. for purpose of rejection, 573. On merits of the B.: the Amt. supported, 575.

Man. and N. W. Ry. Co.'s B.

On presentation (Mr. Read, Quinté) of W. Barwick's Petition, for leave to petition; held that it must be referred to Standing Orders Com., 225.

Montreal "Gazette," incorrect report in.

Ques. of Privilege, on report of division on Insolvency B., 620.

Montreal Harbour Commissrs. Acts consolid. B. (S).

In Com. of the W.—On cl. 25, and Mr. De Boucherville's ques. as to right of overriding Provincial law: held that this being a matter of trade and commerce, local law must give way, 317; further on the same point, 317.

Order, Privilege and Procedure, questions of.

*Bill, Amt., important, printing.*—Mr. McKindsey's Amt. to Insolvency B., creating classes of debtors, too important to vote upon without being printed and considered, 553.

*Bill, Commons Amt.*—See "Commons."

*Bill, involving taxation.*—Hudson Bay Ry. construction B. (Mr. Boulton) objected to; could only be initiated in Commons, on Message from Crown, 270, 272.

*Bill not properly signed.*—On Standing Orders Com. reporting Red Deer Valley Ry. Petition not signed by Ry. officials: that Com. should make a recommendation, 198; that no M. (to dispense with the Rules) can be made without such recommendation or a Notice, 198.

*Bill, overriding Provincial law.*—On Mr. De Boucherville's objection to cl. 25 of Montreal Harbour Commrs. Acts consolid. B.: held that any local Act conflicting with power of Parlt. in this matter of trade and commerce, must give way, 317; further, 317.

*Bill, principle, time for discussion.*—On Insolvency B., held that not even by agreement can right be reserved to discuss its principle in Com., 504.

*Bill, private; Petition for leave to petition.*—On such petition from W. Barwick, *re* Man. & N. W. Ry. Co.: held that it must be referred to Standing Orders Com., 225.

**MILLER, Hon. William**—*Continued.*

ORDER, PRIVILEGE AND PROCEDURE—*Continued.*

*Bill, private, time for Petition expired.*—On Cobourg, Northd. and Pacific Ry. Co.'s Petition; suggested: B. may be presented in Commons, and when it comes before Senate before 2nd R. may be referred to Standing Orders Com., 2.5.

*Bill, proper cl. to be amd.*—Debate in Com. of the W., as to proper cls. to be amd., defining classes to whom B. shall apply, 501, 503, 504, 509.

*Bill, ques. of involving expenditure.*—On Senate B. (B), respecting Lighthouses, &c.—On Mr. Masson's point that it interferes with salaries, 88. On Mr. Kaulbach's, contract-making power given to Minister of Marine, 89.

*Bill, reading at length.*—Objection taken, to Mr. Boulton reading his Hudson Bay construction B. at length (that it may appear in Debates Report), in *m.* the 2nd R., 469.

*Bill, withdrawal of.*—Similar Bs. being introduced in Commons, procedure explained to movers of Senate Bs., for withdrawal: Rocky Mountain Ry. B., 226; Wood Mountain and Qu'Appelle Ry. B., 229, 252.

*Bills, private, Notices wanting.*—Suggested that Standing Orders Com. report of the irregularity be referred back, to save the Bs., after warning thus given, 264.

*Bills, private, time extension.*—Report of Standing Orders Com. in favour of extension of time till end of session: without precedent, 277.

*Com. Report, amending.*—Mr. Power pointing out that Internal Com. Report, restricting addl. translators to B. work, does not embody Com.'s recommendation: held that Report cannot be amd. in the House, 250; even by unanimous consent, 250.

*Com. Report, restoration to Order paper.*—See the debate on procedure in "Dillon Divorce case" (above).

*Committee, Standing Orders, Report, adoption.*—On 19th Report (for suspension of 52nd Rule, for Petition for N. S. Steel Co.'s Incorp. B.), suspension of Rule *m.* accordingly, 497. On discussion as to adoption of Com. Report also, remarks on procedure, 497.

*Commons Amts., partial concurrence.*—On Mr. Lougheed's M. (Trust Corporation of Canada Incorp. B.): the proper procedure, concurrence in Amts. *separately*, pointed out, 630, 631; again, 634; further, 634.

*Division, mode of calling for.*—Remarks on procedure, on Mr. Almon demanding a division upon 3rd R. of "Trade, combinations in restraint of," B., 461.

*Divorce procedure.*—See the points in "Dillon Divorce case" (above).

*Motion, postponement of.*—That the form taken, of replacing Dillon Divorce Com. Report on Orders, for future consideration, is correct, 482; further, on the proper procedure, 482.

*Privilege, Question of.*—Incorrect report in Montreal *Gazette*, in regard to division on Insolvency B., 620.

PRIVATE BILLS, IRREGULARITIES. *See:*
"Order and Procedure" (above).

RED DEER VALLEY RY. AND COAL CO.'S B.

On Standing Orders Com. Report, that Petition is not signed by Ry. officials: held that Com. should make a recommendation, 197; that no M. (to dispense with Rules) can be made without such recommendation or a Notice, 198.

**MILLER, Hon. William**—*Continued.*

ROCKY MOUNTAIN RY. AND COAL CO.'S B.

On M. (Mr. Lougheed) for discharge of Order for 2nd R., B. having been introduced in Commons: that he should ask leave to withdraw the B., 226.

SABLE ISLD. B.—*See* "Lighthouses, &c., and Sable Island."

STANDING ORDERS COM. REPORT.

For suspension of 52nd Rule, for Petition for N.S. Steel Co.'s Incorp. B.—Suspension of Rule *m.* accordingly, 497. On discussion, and M. (Mr. Macdonald, B.C.) for adoption of Report also: remarks on procedure, 497.

TRADE, COMBINATIONS IN RESTRAINT OF, LAW RESPECTING, AMT. B. (AA).

On Mr. Almon demanding a division on the 3rd R.: remark on proper procedure, 461.

TRUST CORPORATION OF CANADA INCORP. B. (D).

On M. (Mr. Lougheed) for *partial* concurrence in Commons Amts: the proper procedure pointed out, 630, 631; again, 634; further, 634.

WOOD MOUNTAIN AND QU'APPELLE RY. CO.'S B. (20).

On introduction (Mr. Bernier): similar Senate B. on Senate Orders, discharge should be asked, 229.

On M. (Mr. Bernier) for withdrawal of the Senate B. (R): proper procedure explained, 252.

**MONTGOMERY, the late Hon. D.**

REMARKS ON THE DEATH OF. Mr. Bowell, 4; Mr. Scott, 5; Mr. Ferguson (P.E.I.), 7; Mr. Boulton, 69.

**MURPHY, Hon. Edward.**

MONTREAL ISLAND BELT LINE RY. B. (59).

On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) restricting elevated line to passenger traffic in city: the Amt. supported, 622.

TRADE, COMBINATIONS IN RESTRAINT OF, LAW respecting, Amt. B. (AA).

On M. (Mr. Read, Quinté) for 3rd R.—That Motion be declared carried on a division, 461.

**O'DONOHOE, Hon. John.**

DEATH SENTENCE, INDIANS, COMMUTATION OF.

Two Indians in B.C.—On M. (Mr. McInnes, B.C.), for petitions, reports, &c.—On Mr. McInnes's speech: what remedy against exercise of prerogative, 201.

DILLON, JAMES ST. G., DIVORCE B. (T).

On Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence.—On the action of the Com.; on ques. of divorces for R. Catholics; on the facts as shown; and on the jurisdiction of Parlt, 423-4.

M. to re-commit the Report, with instructions to take the refused and all cognate questions, 425.

In resumed debate.—On ques. of order (Mr. Bellerose) that above Amt. is not on Order paper, 431-2. On Mr. McInnes's (B.C.) ques. as to intention of voting, 453; explanation of personal remark thereon, 455; on the proposed re-committal of Report, 455-6.

FLINT, THE LATE HON. SENATOR.

Funeral expenses.—On M. (Mr. Bowell) for payment: limitation suggested, 687; further, 687.

**O'DONOHOE, Hon. John**—*Continued.*

Glasier, the late Hon. Senator.

Funeral expenses (included in above M.)

Insolvency Act, 1894; B. (C).

On M. (Mr. Bowell) for 2nd R.—Comments on Mr. Scott's speech: provision for debtor's release, 247.

In Com. of the W.—Ques. as to agreement at 2nd R., that principle of B. might be discussed at a future stage, 503.

Again in Com.—On cl. 3., Amt. (Mr. McKindsey) to classify debtors, and Amt. (Mr. Power) that B. shall not apply to others than traders: exclusion of farmers opposed, 557; B. otherwise supported, 558.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist."—Comment on Mr. Kaulbach's speech: imprisonment of newsboys, 572.

Order and Procedure, questions of. *See* the above questions of Divorce procedure, in the case of "Dillon."

Senators, deceased, funeral expenses.

(Flint and Glasier, Hon. Messrs.)—On M. (Mr. Bowell) for payment; limitation suggested. 687; further, 687.

Sunday observance B. *See* "Lord's day."

**OGILVIE, Hon. Alexander W.**

Atlantic and L. Superior Ry. Co.'s B. (73).

Introduced*, 687.
2nd R. *m.**, 691.
Amt. of Ry. Com., two-thirds of stock to be represented when preferred stock issued: concurrence *m.*, 692.
3rd R. *m.**, 692.

Atlantic line. *See* "Ocean Steamship Subsidies B."

Boards of Trade Incorp. Act Amt. B. (FF).

Reported from Com. of the W., without Amt.*, 485.

Consumers' Cordage Co.; issue of preference shares; B. (31).

Introduced*, 426.
2nd R. *m.*, 483. To Mr. Power: explanation of B., 483.
On his further remarks: the B. advocated and the Co.'s position explained, 484; price of binder twine, 484.
(3rd R. *m.* by Mr. Allan*, 613).

Contingent Accts. Com. *See* "Internal Economy."

Criminal Code Amt. B. (126).

In Com. of the W.—On sect. 662: on Grand Jury quorum for finding a Bill, 749.

Cullers' Act Amt. B. (124).

Reported from Com. of the W., without Amt., 686.

Dillon, James St. G.; Divorce B. (T).

Introduced*, 226.
(2nd R., &c., *m.* by Mr. Clemow.)
On Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions, and excluded evidence.—Remark on Mr. Kaulbach's speech: Mr. Lougheed's opinion, 376. On Mr. Bellerose's speech: Catholics and French-Canadians have had divorces, 383; in Quebec Courts, separation,

**OGILVIE, Hon. Alexander W.**—*Continued.*

Dillon Divorce B.—*Continued.*

383. On Mr. Scott's: on facts of this case, 388. On the merits of the case, divorces previously granted to R. Catholics, and the present Com.'s action, 394-5.
On M. (Mr. O'Donohoe) to re-commit the Report for further evidence.—Remarks on Mr. Dillon's character, 451; on Mr. Power's comments thereon, 451.

Electric Light, Inspection, B. (118).

In Com. of the W.—Comment on Mr. Dever's remarks, Cos. cutting prices, 742.
From the Com., progress reported, 743; B. reported with Amts., 748.

Fisheries Act Amt. B. (145).

In Com. of the W.—On Amt. (Mr. Clemow), sawdust-throwing, exemptions precluded: comment on Mr. Scott's speech, 732; the Amt. supported, 732.
On sub-sect. 4, sect. 18, penalty for unlawful possession, &c., of fish: Mr. Power's proposal to strike out, as too harsh, opposed, 739; stringent carrying out of law advocated, 739.

France, Treaty with, ratification B. (147).

On M. (Mr. Angers) for 2nd R.—Comment on Mr. Scott's speech: temperance in France and Italy, 766. On Mr. Power's: ques. of ratification last year, 792.

Grand Jury. *See* "Criminal Code Amt."

Hay inspection. *See* "Inspection, General, Act, Amt."

Inspection, General, Act, Amt.; hay inspection, B. (125).

In Com. of the W.—Remarks: inspection should be compulsory, 488; definition of colour, 489; shipment in good order, 494.

Insurance Act Amt. B. (V).

On Commons Amts., and Notice (Mr. Angers) of Amt., to increase scope of investments authorized for Cos.: proposal to add telephone bonds, 823.

Internal Economy Com., 3rd Report.

On M. (Mr. McKay) for adoption: Cl. directing officers to report others, objected to, 651; further, on Mr. Angers's explanation, 652.

Lake Megantic Ry. Co. Incorp. B. (58).

Introduced*, 499.
2nd R. *m.**, 526.
(3rd R. *m.* by Mr. MacInnes, Burlington*, 580).

Montreal Harbour Commissrs. Acts consolid. B. (S).

In Com. of the W.—On Mr. Bowell's request that cls. 5 and 6 stand, in view of correspondence respecting limits: urged that plan be furnished, 312.
On 8th cl.: remarks on incompetency of certain Commissioners, 312, 313.
On 16th cl.: Mr. Power's objection to Commissioners fixing their own remuneration, answered, 315; his suggestion, to subject fees to Government approval, opposed, 315.
On 18th cl.: on Mr. Bowell's remarks, three Commissrs. as pilotage authority, 316; on Mr. Power's suggestion that Commissrs. appoint shipping officer, 316.
On 25th cl.: on Mr. DeBoucherville's ques., as to Provincial law interfering with Commissrs., 317.
On 35th cl.: reply to Mr. Power's remark on borrowing powers, 319.

**OGILVIE, Hon. Alexander W.**—*Concluded.*

MONTREAL PARK AND ISLD. RY. CO.'S B. (68).
On receipt of B. from Commons,
Suspension of 41st Rule, and
2nd R. *m.*, with explanation, 691. Reply, to Mr. Power's comments, as to doubling the Co.'s capital, 691.
Amts. of Ry. Com., majority of stock to decide for increase, date of annual meetings, &c.; concurrence *m.*, 692.
3rd R. *m.**, 692.

N.W. MOUNTED POLICE ACTS CONSOLID. B. (121).
In Com. of the W.—On 6th cl.: on Mr. Power's ques. of reduction of Force, its efficiency explained and reduction deprecated, 647.

OCEAN STEAMSHIP SUBSIDIES; FAST ATLANTIC LINE; B. (161).
On M. (Mr. Angers) for 2nd R.—Terminal City, N.S., advocated as free from fogs, 801.

ONT., HOUSES OF REFUGE, FEMALES, B. (II).
Reported from Com. of the W., without Amt., 645.

RICHELIEU AND ONT. NAVIGATION CO.'S B. (62).
Introduced*, 427.
(2nd R. *m.* and B. explained by Mr. McCallum, 482).
3rd R. *m.**, 521.

RIVERS, SAWDUST IN. *See* "Fisheries Act Amt."

ST. LAWRENCE INSURANCE CO.'S B. (99).
(Introduced and 2nd R. *m.* by Mr. Clemow*, 631-2).
3rd R. *m.**, 665.

SAWDUST IN RIVERS. *See* "Fisheries Act Amt."

SENATE OFFICIALS. *See* "Internal Economy Com."

STEAMSHIP SUBSIDIES B. *See* "Ocean Steamship."

TRADE, COMBINATIONS IN RESTRAINT OF, LAW, AMT. B. (AA).
Reported from Com. of the W., with an Amt.*, 428.

**PELLETIER, Hon. C. A. P., C.M.G.**

INSURANCE ACT FURTHER AMT. B. (V).
In Com. of the W.—On sub-sect. 5: Amt. requested, extending period for Cos. to make their returns, 329.

MÉTIS, MATANE AND GASPÉ RY.'S CO. INCORP. B (78).
Introduced*, 513.
2nd R. *m.**, 565.
(3rd R. *m.* by Mr. Dickey*, 613.)

MONTREAL ISLAND BELT LINE RY. CO.'S B. (59).
On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) restricting elevated line, in city, to passenger traffic.—Comment on Mr. Power's speech, 626.

**PERLEY, Hon. William Dell.**

ADJOURNMENT. *See* "Senate adjournment."

ALBERTA SOUTHERN RY. CO., INCORP. B. (101).
(1st R. *m.* by Mr. Power*, 499.)
2nd R. *m.**, 580.

BALLOT, VOTE BY. *See* "N W.T. Representation Act Amt."

BAPTIST, REFORMED, CHURCH, B. *See* "Reformed."

**PERLEY, Hon. William Dell**—*Continued.*

BRANDON AND S.W. RY. CO., INCORP. ACT REVIVED and amended; B. (47).
3rd R. *m.* (in absence of Mr. Lougheed)*, 384.

BRIBED VOTERS DISFRANCHISEMENT B. *See* "Voters."

CALGARY IRRIGATION CO.'S B. (53).
(1st R. *m.* by Mr. Kirchhoffer*, 365.)
(2nd R. *m.* by Mr. Kirchhoffer*, 408.)
Concurrence in Amts. of Private Bs. Com. *m.*; accepted by promoters, 581.
3rd R. *m.**, 586.

CAN. PACIFIC RY. FREIGHT RATES. *See* debate on: "Hudson Bay Ry. construction B." (below).

CONTINGT. ACCTS. COM. *See* "Internal Economy."

DILLON DIVORCE B. (T).
On Report of Divorce Com. in favour of B.; Minority Report (Mr. Kaulbach) that Com. had ruled out evidence; and M. (Mr. O'Donohoe) to re-commit for further evidence: recommittal opposed, and Report in favour of the B. opposed, 456-7.

DULUTH, NEPIGON AND JAMES BAY RY. CO. INCORP. B. (37).
Introduced*, 299.
(2nd R., *m.* by Mr. Ferguson, Niagara*, 310).
(3rd R., *m.* by Mr. Dickey*, 366).

ELECTRIC LIGHT INSPECTION B. (118).
On M. (Mr. Angers) for 2nd R.—Comment on Mr. MacInnes's (Burlington) speech: U. S. tariff disputes, 698.

FISHERIES ACT AMT. B. (145).
In Com. of the W.—On cl. 6, and Amt. (Mr. Clemow) sawdust in rivers, exemptions precluded: a remark, case in N.B., 722; further on same exemption, 729.
B. reported from Com. with Amts.*, 740.

GAME, PRESERVATION OF. *See* "N. W. T."

GLEICHEN, BEAVER LAKE AND VICTORIA RY. CO. INCORP. B. (57).
Introduced*, 704.
2nd R. *m.**, 704.
3rd R. *m.**, 727.

GREAT N. W. RAILWAY CO.
Inqy. as to further construction this summer, and as to lapsing of land grant, 635.

HAY INSPECTION. *See* "Inspection, General Act Amt."

HUDSON BAY RY. CONSTRUCTION B. (BB)
On M. (Mr. Boulton) for 2nd R., a remark, 473.
On Amt. (Mr. Kaulbach) for 6 months' "hoist:" his remarks respecting mover of B. dissented from; C.P.R. freight rates; Intercol. Ry. construction and other points, 476. On Mr. Bowell's speech: explanation of remarks on debate respecting C. P. R. freight rates, &c., 479.

INSOLVENCY ACT, 1894; B. (C).
In Com. of the W.—On Amt. (Mr. Power) B. not to apply to others than traders as herein defined. The B. not approved, but will be supported only if made to apply to farmers; their position in Man. commented upon, 561; further, 561.

**PERLEY, Hon. William Dell**—*Continued.*

Inspection, General, Act Amt.; hay inspection; B. (125).

In Com. of the W.—That only satisfactory inspection would be by man who presses the hay, 491.

Intercol. Ry. construction and rates. *See* debate on "Hudson Bay Ry. construction B." (above).

Internal Economy Com. Report.

Amt. (Mr. McInnes, B.C.) for increase of Postmaster's salary, opposed, 658, 659.

Man. and N.W. Ry. Co.'s B. (X).

Commons Amts.: concurrence *m.**, 629.

Man. and N.W.T. Schools question.

On M. (Mr. Bernier) for ordinances, Orders in Council, &c. On Mr. Bernier's speech: a ques., Dr. Morrison, 108.

Manitoba Farmers, financial position of.

Remarks in Com. on Insolvency B., 561.

N.W.T. Game preservation of; B. (Z).

On M. (Mr. Bowell) for 2nd R.—On Mr. Bowell's remarks: preservation of buffalo, and ques. of populating the country, 308.

N.W.T. Representation Act Amt.; ballot voting; B. (5).

On M. (Mr. Angers) for 2nd R.—The B. supported, 463.

Postmaster of Senate. *See* "Senate."

Reformed Baptist Church of Canada, Alliance, Incorp. B. (84).

Introduced*, 426.

(2nd R., &c., *m.* by Mr. McClelan.)

Rivers, Sawdust in. *See* "Fisheries Act Amt. B."

Rocky Mountain Ry. and Coal Co. Incorp. Act revived and amd.; B. (80).

Introduced*, 499.

2nd R. *m.**, 526.

(3rd R. *m.* by Mr. MacInnes, Burlington,*, 580).

Sawdust in rivers. *See* "Fisheries Act Amt. B."

Senate, Adjournment of the.

(2nd May) till 15th *m.*, 309; M. *withdrawn*, 309.

Senate, Postmaster, increase of salary.

Amt. (Mr. McInnes, B.C.) to M. for adoption of Internal Economy Com. Report, opposed, 658, 659.

Tariff troubles in U.S.

Remark on 2nd R. of Electric Light Inspection B., 698.

Voters who have taken bribes, disfranchisement B. (6).

Reported from Com. of the W., without Amt., 527.

Wolseley and Fort Qu'Appelle Ry. Co. Incorp. B. (N).

Introduced*, 224.

2nd R. *m.**, 264.

Ry. Com. Report, adoption *m.*; Amts. explained, 299.

3rd R. *m.**, 299.

**POIRIER, Hon. Pascal.**

Canadian Pacific Ry., cost of.

Ques., on Mr. Ferguson's (P.E.I.) speech, on his M. for papers respecting P.E.I. financial claims, &c., 535.

Contingent Accts. Com. *See* "Internal Economy."

Criminal Code Amt. B. (126).

On M. (Mr. Angers) for 3rd R.—Comments on reduction of Grand Jury quorum to find a B., 753.

Dillon, James St. George, Divorce B. (T).

On consideration of Report of Com., in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence.—Comment on Mr. Scott's speech: on wife being left in Paris, 390. On Mr. Power's: on petitioner declining to answer, 404. On Mr. Boulton's: no divorce in time of Henry II, 420.

On M. (Mr. O'Donohoe) to re-commit Report for further evidence, and ques. of M. not appearing on Order paper, 433. The case reviewed; the religious ques.; French and English immorality; the evidence, &c., 440-1-2-3-4. Comments on Mr. Reesor's speech, 449; on Mr. McInnes's (B.C.), 453, 454.

Fisheries Act Amt. B. (145).

In Com. of the W.—On sub.-cl. 12: lobster-packing, that the branding regulations should be stringent, 715-16.

On cl. 4: on Sunday net-lifting in tidal waters, the cl. disapproved, 718; that herring nets should be excluded, 719.

On cl. 6: on Amt. (Mr. Clemow) sawdust in rivers, precluding exemptions; the Amt. strongly supported, 721-2.

France, Treaty with, ratification B. (145).

On M. (Mr. Angers) for 2nd R.—Comments on his speech, 759.

On Amt. (Mr. Boulton) to return Treaty for further negotiations.—Comment on Mr. Power's speech, 794.

Grand Jury quorum. *See* "Criminal Code."

Insurance Act further Amt. B. (V).

In Com. of the W.—On Mr. Scott's suggestion, actual office premium: ques., whether head office, 330.

Intercolonial Ry., cost of.

Ques., on Mr. Ferguson's (P.E.I.) speech on P.E.I. financial claims, &c., 533.

Internal Economy Com., 3rd Report.

On M. (Mr. McKay) for adoption, and Amt. (Mr. MacInnes, Burlington) to re-commit, to increase Postmaster's salary, 658.

Lobster-packing, branding, &c. *See* "Fisheries."

Moncton and P.E.I. Ferry Co.; extension of time; B. (I).

Introduced*, 205.

2nd R. *m.*, 253; B. explained, attitude of Co. towards alternative scheme of a tunnel, 253. Reply to objections of Mr. Macdonald (P.E.I.), 254. To Mr. Vidal, as to omission of cl. providing for forfeiture of charter, 255; that cl. may be inserted in Com., 255.

Amts. of Ry. Com.: concurrence *m.*, 288.

3rd R. *m.**, 289.

POIRIER, Hon. Pascal—*Continued.*

Order, Procedure, &c., questions of.

*Bill not printed in French.*—That "Youthful Offenders, punishment" B., not being ready in French, and being an important B., should wait, 300.

*Divorce procedure.—See* the debate on "Dillon Divorce case" (above).

Prince Edwd. Island, winter communication, financial claims, &c.

On M. (Mr. Ferguson, P.E.I.) for correspondence.—On his speech: ques., cost of Intercol. Ry., 533; cost of C.P.R., 535; Tunnel earnings, 547; Sub-way, 548.

Rivers, Sawdust in. *See* "Fisheries Act Amt. B."

Senate, Postmaster. *See* "Internal Economy Com. Report."

Senate, Speaker, temporary, provision for; B. (Q).

On M. (Mr. Angers) for 2nd R.: constitutionality still doubted, but in view of cl. providing for its reference to proper authorities for decision, B. supported, 261.

Senate, the usefulness of, &c.

Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B., as to number of Bs. amd. in Senate, 351.

Tariff and Trade matters. *See* "France, Treaty with."

Trade, combinations in restraint of; B. (AA).

On M. (Mr. Read, (Quinté) for 2nd R.: comment on his remarks, Bs. introduced and amd. in Senate, 351.

Youthful Offenders, separate trial, punishment, &c.; B. (Y).

On M. (Mr. Allan) for 2nd R.: B. not being printed in French, and being important, it should wait, 300.

POWER, Hon. Laurence Geoffrey.

Aberdeen, His Ex. the Earl of.

Remarks of welcome, in speech on the Address, 40.

Address in answer to Speech from the Throne.

On M. (Mr. Ferguson, P.E.I.) for. On Mr. Bowell's speech: deficits since 1878, 33, 34; proposed tariff changes, 39; patriotism of Liberals, 40.

On the Address: compliment to the mover, 40; the late Senator Haythorne, 40; the seconder, 40; His Ex. the Earl of Aberdeen, 40; volume of trade, 40, 41; depression in U.S. and in the Maritime Provinces, and Toronto, 41; Behring Sea award and regulations, 41-2-3; tariff revision, 44, 45; proposed Insolvency law, 45; increased ocean communication, 45, 46, 47.

Adjournments. *See* "Senate, Adjournments of."

Alberta Southern Ry. Co. Incorp. B.(101).

Introduced*, 499.
(2nd R. *m.* by Mr. Perley*, 580.)
(3rd R. *m.* by Mr. MacInnes, Burlington*, 619.)

Alberta Trust and Guarantee Co. B. *See:*
"Trust Corporation of Canada."

Atlantic steam communication. *See:*
"Ocean steam communication, increased."

Ballot, new form of. *See* "Dom. Elections Act."

POWER, Hon. Laurence G.—*Continued.*

Ballot, N.W.T. *See:*
"N.W.T. Representation Act Amt. B."

Baptist, Reformed, Church Alliance Incorp. B. (84).

On M. (Mr. McClelan) for 2nd R.—That 2nd cl. must be re-cast in Com., not being practicable, 527; further, 527.

Behring Sea Award and Regulations.

In speech on the Address, 41-2-3.

Bills, private, extension of time for.

On Mr. Bowell's statement that Govt. does not object: that new Rules give longer time, for the purpose of preventing these extensions, 155.

On Report of Standing Orders Com., to extend time for reporting, a ques., 285; that the Rule is vague, and Com. Report should be adopted, 285.

Boiler and Plate Glass Insurance. *See* "Steam Boiler."

Bribed Voters, disfranchisemt. B. *See* "Voters."

Business. *See* "Trade, volume of."

Cabinet, difference in the.

Comments on Sir F. Smith's speech, on Insurance Act Amt. B., 834.

Canadian Pacific Ry., freight rates, &c.

On M. (Mr. Boulton) for Schedule, including St. Paul and Minneapolis to sea-board, 141; C. P. R. termini practically in the U. S., 141. On Mr. Almon's remarks, on ques. of transfer of I. C. R. to C. P. R. Co., 142.

*See also* the following Bill:

Canadian Pacific Ry. lands.

Slowness of Co. in settling their lands commented on, in Com. on Ry. subsidies (land) B., 862-3.

Canadian Pacific Ry., manufactured articles (bridges), drawback; B. (166).

On M. (Mr. Bowell) for 3rd R.—Reduction in N. W. freight rates advocated, 860.

Cape Breton extension Ry.

Remarks on 2nd R. of Ry. subsidies B., 866.

Children, punishment of. *See* "Youthful Offenders, B."

Coal Oil, inspection. *See* "Petroleum Inspection B."

Combinations in restraint of Trade B. *See* "Trade."

Companies, Joint Stock Incorp. B. *See* "Joint Stock."

Committees, Standing, appointment of.

On consideration of Report of Com. of Selection; on ques. of adopting cls. separately, 98.

Suspension *m.*, of rule 16, for adoption of cl. changing the "Contingt. Accts. Com." to "Internal Economy Com.," 98.

Consolid. Revenue Act Amt. *See* "Revenue."

Consumers' Cordage Co., issue of preference shares; B. (31).

On M. (Mr. Ogilvie) for 2nd R.—Explanation of B. requested, 483. Reference to Trade Combines B. now before Parlt.; B. objected to, 483-4. On Mr. Kaulbach's speech: his calling Canadian goods inferior, 485.

Contingt. Accts. Com. *See* "Internal Economy."

**POWER, Hon. Laurence G.**—*Continued.*

Criminal Code, 1892, Amt. B. (126).

In Com of the W.—On the Schedule: Amt. 549*a*, option of jury trial, objected to, 748; Amt. *m.*, to strike it out, 748, 749; reply to Mr. Lougheed thereon, as to penalty, 749.

On sect. 662: ques., reduction of Grand Jury panel in Ont., 749; further on number of panel generally, 751.

On Amt. to sect. 871: on amount of constable's fee, 751.

On M. (Mr. Angers) for 3rd R.—On same point, that present provision should not be changed, 752; further, 752, 753.

Criminal Law, administration of.

Death sentence commuted.—On M. (Mr. McInnes, B.C.) for papers: ques., Judge's report, 204.

——— *See also:*

"Criminal Code Amt. B."

"Montreal Harbour Commissrs. B.," cls. for prevention of theft, &c.

"N. W. T. game preservation B.," debate on cls. respecting convictions and penalties.

"Youthful offenders, trial, &c., B."

Cullers' Act Amt. B. (124).

In Com. of the W.—Existing law not intelligible, 686.

Customs duties Acts Amt. and consolid. B. (135).

On M. (Mr. Bowell) for 2nd R.—Remarks on the action of Govt., to gather information; date of calling session; looking to Washington; and the tariff as revised, 870-73. Comments on Mr. Bowell's speech: Liberal member who went to Washington, 875; tariff higher than before, 875; Canada prosperous under old tariff, 1867-73, 877; and increased in population, 877. On Mr. Boulton's speech: paper industry, 880. On Mr. Clemow's: lumber mills, 880; annexation, 881.

Customs seizures. *See* "Revenue and Audit Act."

Customs Tariff. *See* "Tariff."

Death sentence, commutation of.

Two B. C. Indians.—On M. (Mr. McInnes, B.C.) for papers: ques., Judge's report, 204.

Debates, publication of speech in.

Objection (Mr. Angers) to Mr. Boulton's speech on irregular B. introduced (Hudson Bay Ry. construction), opposed; Hon. gentleman should have opportunity to give his views, 272.

Deck-load law. *See* "Ships, safety of."

Deficits since 1878.

Remarks on Mr. Bowell's speech, on the Address, 33, 34.

Dillon Divorce B. (T).

On M. (Mr. Gowan) for adoption of Divorce Com.'s Report, just presented: request for delay till to-morrow, 224. On Mr. Kaulbach's remarks: pointed out that adoption now could only be by unanimous consent, 224.

On consideration of Report of Com. in favour of B., and Minority Report (Mr. Kaulbach) objecting, Com. having ruled out questions and excluded evidence.—On Mr. Kaulbach's speech, a ques., 370.

**POWER, Hon. Laurence G.**—*Continued.*

Dillon Divorce B.—*Continued.*

That resuming of debate is not properly entered on Order paper, 383; further, 384.

In resumed debate.—Comments on Mr. Scott's speech: Yateman case, 391. On Mr. McInnes's (B.C.): U.S. divorces not recognized, 397. On merits of the case: ques. of divorces to R. Catholics; facts as proven, petitioner's evidence, 401-2-3-4.

On question of position of resumed debate on Orders: remarks upon Rules, 406.

Further in resumed debate: on practice in England and Canada, duties of Com. and course pursued, on parallel cases, &c., 408-9, 410-1-2-3.

Replies to Mr. Prowse: English precedents for discussion on ground of religion not sought for; explanation of the ground taken on this case, 414; on the arguments used, 415, 416. On Mr. Dickey's speech: on the evidence, 418.

On M. (Mr. O'Donohoe) to re-commit B. to take the excluded and cognate evidence, and M. (Mr. Clemow) to adj. debate: suggestion as to taking up Mr. O'Donohoe's M., 425.

On ques. of Order (Mr. Bellerose) that Mr. O'Donohoe's M. does not appear on Order paper, 432.

On Mr. Kirchhoffer's speech on this M.: comment on evidence, and previous remarks there on, 435, 437; Baylis case, 438. On Mr. Vidal's speech: on evidence, 445. The case and procedure reviewed; the M. supported, 451-2-3. On Mr. McInnes's (B.C.) speech: faith of parties, 453.

On M. (Mr. Clemow) to restore Com. Report to Order paper, Mr. Angers's request to include Minority Report, and Mr. Miller's objection thereto: that courtesy requires compliance with the request, 517, 518.

On M. (Mr. Clemow) for adoption of Majority Report: Mr. Kaulbach's request for postponement supported, 614.

On M. (Mr. Clemow) as above, and Amt. (Mr. Bellerose) to re-commit, to strike out re-marriage cl. of B.: statement as to petitioner's consent to this, confirmed, 617.

Disfranchisement of Bribed Voters, B. *See* "Voters."

Divorce Cases. *See:*

"Dillon."

"Downey."

Dominion Atlantic Ry. Co.; purchase of Yarmouth and Annapolis Ry.; change of name of Co.; B. (50).

Introduced*, 347.

2nd R. *m.* and B. explained, 350.

3rd R. *m.**, 460.

Dominion Elections Act Amt. B. (128).

In Com. of the W.—On cl. 1: cause of increase in districts where Returning Officer fixes date, Gaspé and Nipissing, 869; remark, Gaspé, 869.

On cl. 4: new form of ballot, remarks on, 869.

Dominion Lands. *See:*

"Lands, Dominion, B."

"Lands in Territories, B."

Downey Divorce B. (E).

On M. (Mr. Gowan) for adoption of Divorce Com.'s Report just presented: request for delay till to-morrow, 112.

Duties, Customs, new. *See* "Customs duties, B.'

**POWER, Hon. Laurence G.—*Continued.***

ELECTIONS BY BALLOT. *See:*
"N.W.T. Representation Act Amt. B."

ELECTIONS, DOMINION, ACT, AMT. B. *See* "Dominion."

ELECTRIC LIGHT INSPECTION B. (118).
On M. (Mr. Angers) for 2nd R.—On ques. of necessity for the B., 695; late sessions disapproved of, 695; comment on Mr. Kaulbach's reply, 696; on Mr. Primrose's speech, 699.
In Com. of the W.—Differences from English Act inquired, 741; comment on Mr. Angers's reply, 741.
On cl. 3: inquiries as to technical terms, 743.
On cl. 4: similar enquiries, 743.
On cl. 4: on Amt. (Mr. Drummond) to reduce variations from 4 to 3 per cent, 743.
Again in Com.—On cl. 7: effect questioned, 746; Mr. Drummond's explanation accepted, 746.
On cl. 12: Amt. *m.*, as to qualifying examination of Inspectors, 746.
On cl. 16: contracts, ques. as to use of meter, 747.
On cl. 37: on regulations by Order in Council, 478.

ELECTRIC RYS., SHELTER FOR MOTORMEN. *See:*
"Railway Act Amt. B."

EVIDENCE UNDER OATH, PARLIAMENTARY. *See:*
"Parliamentary Witnesses Oaths Act, 1894."

EXCISE DUTY. *See* "Inland Revenue Act Amt."

FARMING INDUSTRY, PROTECTION TO.
Remarks on 2nd R. of Iron Bounty B., 867.

FISHERIES ACT AMT. B. (145).
On M. (Mr. Angers) for 2nd R.—Explanations expected in Com., 704.
In Com. of the W.—On cl. 3: lobster fishery, name of owner of boats, registration with Fishery Officer, Amt. *m.* to strike out "thereon," 706; on Mr. Angers's explanation, Amt. withdrawn, 707.
On cl. 5: stamping of packages, Amt. *m.*, by Fishery Officer unnecessary, 707; replies thereon: to Mr. Allan, 707; to Mr. Kaulbach, 708; to Mr. Angers, 708; the Amt. *m.*, 708.
On sub-cl. 5: branding that lobsters are legally caught, impracticable, 708-9; Amt. *m.*, to strike out last part of par., 710.
On sub-cl. 10: remarks on re-packing under Inspector's supervision, 710-11-12-13.
On sub-cl. 11: on Inspector employing assistants, 714.
On sub-cl. 12: on penalty for false branding, 714-15-16.
On cl. 4: on ques. of Sunday net-lifting in tidal waters, 716-17-18-19.
On cl. 6: on Amt. (Mr. Clemow) sawdust-throwing prohibition, exemption precluded, 722-3-4.
Again in Com.—On cl. 4 and Amt. (Mr. Angers), Sunday net-lifting restricted to licensed traps: Senate to be congratulated on having improved a Govt. B., 727.
On Mr. Dever's ques. of substituting "stationary" for "sedentary" nets, 728; on his ques. of St. John City charter rights in harbour fishery, 729.
On Mr. Clemow's sawdust Amt. (as above), 734.
On cl. 8: confiscation penalty too severe; Amt. *m.*, to strike out the cl., 735-6; further protests against the cl., 736.
On cl. 9: each fish and day a separate offence, too severe, 737; Amt. *m.*, to strike out the cl., 738.
On sect. 18, sub-sect. 4: informers' profits, the cl. objected to, 739.

**POWER, Hon. Laurence G.—*Continued.***

FISHERIES ACT AMT. B.—*Continued.*
On sub-sect. 7, and Amt. (Mr. Angers), striking out part making each fish a separate offence, 739.
On cl. 8: that it should be struck out, 740.
On fish propagation: present system not judicious, 740.
On Notice (Mr. Angers) for 3rd R.—Notice of Amt., lobster packages, branding provision, 740.
On Mr. Clemow's ques. as to Senate dealing with penalties: that these are not burdens on taxpayers, 740.
On M. (Mr. Angers) for 3rd R.—Amt. *m.*, branding lobster packages, not necessarily by Inspector, &c., 744.
Amt. *m.*, to strike out cl. 8, 745.

FISHERIES, SEAL. *See* "Behring Sea."

FLINT, THE LATE HON. SENATOR.
Funeral expenses in Ottawa.—M. (Mr. Bowell) for payment, supported, 688.

FORESHORE JURISDICTION.
On M. (Mr. Bowell) for 2nd R. of Public Harbours B. (U); modification suggested, 275-6.

FRANCE, TREATY WITH, RATIFICATION B. (147).
On Inqy. (Mr. Boulton) whether Treaty will not preclude intercolonial preferences.—Mr. Kaulbach called to order, for reflecting upon Mr. Boulton's motives, 674.
On M. (Mr. Angers) for 2nd R.—Comments on his speech, 755, 758-9. On Mr. Scott's, 763.
On Amt. (Mr. Boulton) to return Treaty for further negotiations.—Comment on his speech, 770. On Mr. Kaulbach's, treaty-making power, 779. On Mr. Dever's, 782. Opinions of Senators familiar with lumber interests requested, 786, 787. Comment on Mr. Burns's speech, 788. The whole subject reviewed, 791-2-3-4.
In Com. of the W.—On schedule "A": ques. of precluding reciprocity with U.S., and of incomplete reciprocal advantages from France, 823.
On M. (Mr. Angers) for 3rd R.—Comments on Mr. Tassé's speech, 842, 844, 848.

FRANCHISE OF DOM. OFFICIALS, IN N.S. ELECTIONS.
Remarks on 2nd R. of N.W.T. Representation Act Amt. B., 462.

FREIGHT RATES, C.P.R. *See* "C.P.R."

FRENCH TRANSLATORS, ADDITIONAL.
On M. (Mr. McKay) for adoption of Internal Economy Com.: that Report is incorrect; translators should not be limited to work on Bs., 250. That Report might be amd. at table, by consent, 250.

GAME, PRESERVATION OF, B. *See* "N.W.T."

GLASIER, THE LATE HON. SENATOR.
Funeral expenses in Ottawa.—M. (Mr. Bowell) for payment, supported, 688.

GRAND JURY, PANEL AND QUORUM. *See* "Criminal Code Amt."

HALIFAX CO. CT. JUDGE, SALARY. *See* "Judges."

HARBOURS, PUBLIC; EXTENSION OF GOVT. JURISDICTION; B. (U).
On M. (Mr. Bowell) for 2nd R.: St. John harbour improvement; ques. of foreshore jurisdiction; modification suggested, 275-6.
On M. (Mr. Bowell) for 3rd R.; suggested that he *m.* suspension of Rules, Com. of W. having made Amts., 277, 278.
——— *See also* "Montreal" and "Pictou" Harbour Bs.

**POWER, Hon. Laurence G.**—*Continued.*

Hay, inspection of. *See:*
"Inspection, General, Act, Amt. B."

Haythorne, the late Senator.
Remarks in speech on the Address, 40.

Homestead Exemption Act repeal B. (104).
On M. (Mr. Angers) for 2nd R.: explanation of B. requested, 620.

Hudson Bay route, feasibility of.
On Inqy. (Mr. Ferguson, Niagara) whether any recent reports, &c., and on his speech: pointed out that Senate has already discussed this question in previous sessions, 222. On objections taken to this remark; explanations, 222, 223.

Hudson Bay Railway, construction of, B. (—).
Introduced by Mr. Boulton: objection to, by Messrs. Angers and Miller, as requiring introduction by Crown's consent, in Commons, sustained; but held that Mr. Boulton's speech should appear in Debates, 272.

——— construction by Govts. of Man. and N. W.T.; B. (BB).
On M. (Mr. Boulton) for 2nd R., and Amt. (Mr. Kaulbach) for six months' "hoist"; that principle of B. is good, as the Provinces cannot unite to build the Ry. without Dom. authority, &c., 479, 480.

Imperial Privy Council. *See* "Privy Council."

Indemnity, Sessional, B. *See* "Sessional."

Indian Act Amt. B. (CC).
In Com. of the W.—On cl. 1, sub-sect. 2: ques. as to property of intestates, 361; further, 361; on Mr. Bowell's explanation, suggestion withdrawn, 361.
On cl. 11: Govt. regulations, school attendance, cl. suggested, excepting Indians off reserves, 362.

Inland Revenue Act Amt. B. (158).
In Com. of the W.—On cl. 4: refunds, excise duty on spirits used in making malt extract, when exported, a ques., 853; omission in par. "A" pointed out, 853. Comment on Mr. Dever's remarks, native whiskey, 853.

Insolvency Act, 1894; B. (C).
Remarks, in speech on the Address, 45.
On M. (Mr. Bowell) for 2nd R.—Comment on Mr. Gowan's speech, 235. On the B., 236. Its being dropped after a Com. report on subject suggested, 237. On Mr. Lougheed's speech: Halifax does not ask for such a law, 237, 238.
On proposal to refer B. to a Select Com. previous to its reference to Com. of the W., 249.
In Com. of the W.—On cl. 2, sub-sect. *a*: on Amt. (Mr. McKindsey) to substitute "trader" for "debtor:" that this Amt. should come on cl. 3, 501; further on this point, 501. On same point: on principle of B.; that a M. for Com. to rise may kill it, 507.
On Amt. (Mr. McKindsey) that B. shall apply to traders only, and be so amd.: remark on vote taken in Special Com., &c., 511.
On all Amts. being withdrawn: Amt. *m.*, B. only to apply to traders as hereinafter defined, 512. On Mr. Ferguson's speech: Patrons of I., 513.
Again in Com.—Amt. to cl. 2, withdrawn, 552.

**POWER, Hon. Laurence G.**—*Continued.*

Insolvency Act—*Continued.*
On cl. 3.—On Amt. (Mr. McKindsey) to define classes of debtors: opinions in the House on B., 556. Amt. *m.*, not to apply to others than traders, 557. On Mr. Perley's speech: ques., farmers' exemptions, 561.
On cl. 6, sub-sect. *a*: on ques. of relief of debtor who has not made assignment, 562.
Again in Com.—On M. (Mr. Bowell) for new 3rd cl., B. to apply only to traders as here defined; on ques. of farmers, 588; millers, 588, 589.
On cl. 35.—On Amt. (Mr. Miller) to reduce two-thirds to one-half, 591-2.
On cl. 61.—In debate on ranking of banks, 601. On Amt. (Mr. Bellerose) to substitute cl. 62 of B. as originally introduced: on effect of the Amt., 603.
On M. (Mr. Bowell) for concurrence in Amts. of Com. of the W., on their being reported: objection, unless sense of House may be taken on 3rd R., 603.
On M. (Mr. Bowell) for 3rd R.—Amt. *m.*, to change cl. 35 from $\frac{1}{2}$ to $\frac{2}{3}$, 604.
Amt. *m.*, for Resolution in favour of legislation for discharges according to laws of Provinces, 608; remarks on present B., and on U. S. (Bailey's) B. 608-9; Amt. *withdrawn*, 611.

Inspection, General, Act, Amt.; hay inspection; B. (125).
In Com. of the W.—Remarks: deterioration after shipment, 490; shipping grade, definition of, 491-2; certificate of quality, 494; colour definition, 495; another grade required for Maritime Provinces hay, 495; further ques. as to shipping grades, 495.
Again in Com.—On 2nd cl., and Mr. Bowell's explanation as to grades: a remark, 525. On Mr. Dickey's proposed Amt. as to dyke hay: Amt. *m.*, defining mixed hay, 526; on Mr. Bowell's remarks thereon, 526.
On sub-sect.: remarks upon inspection fees, 526.

Inspection of Electric Light B. *See* "Electric."

Inspection of Petroleum B. *See* "Petroleum."

Insurance Act further Amt. B. (V).
In Com. of the W.—On ques. of Provincial law clashing with enactment: suggestion to add words to show that constitutional enactments are meant, 330.

Intercolonial Ry., transfer to C. P. R. Co.
On Mr. Almon's remarks, on M. (Mr. Boulton) for schedule of C.P.R. freight rates, 142.

Interest Act Amt.; rate in B.C., &c.; B. (V).
On M. (Mr. Bowell) for 2nd R.—In debate: that details be left to Com., 636.
In Com. of the W.—Right to fix interest on judgments questioned, being a matter for Court, 660.
Commons Amts.—On M. (Mr. Angers) for concurrence, and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to insert cl. *d* in the B., limiting investments authorized for Cos.: on Sir F. Smith's speech, a ques., 834; comments on Govt.'s action, Sir F. Smith's position, &c.; effects of 27th Amt., 834.

Internal Economy Committee.
Change of name from "Contingt. Accts. Com."—Suspension of Rule 16 *m.*, for adoption, 98.

**POWER, Hon. Laurence G.**—*Continued.*

Internal Economy Committee—*Continued.*

On M. (Mr. McKay) for adoption of Report, employment of French translators and short-hand writers. That Report, restricting addl. translators to work on Bs., does not embody Com.'s recommendation, 250. That, by consent, it might be amended at Table, 250.

3rd Report.—On M. (Mr. McKay) for adoption: replies to Mr. MacInnes (Burlington) supervision of Messengers by Serjt.-at-Arms, 652.

On proposed Amt. (Mr. McInnes, B.C.) to increase Postmaster's salary: Ques. of Order against it, 654; further thereon, 654; that he cannot speak further till decided, 654.

Amt. (Mr. McInnes) to re-commit with such instructions, opposed; remarks on other increases recommended by the Com., 655-6; reply to Mr. Clemow, 656; ques. of Order, on his speaking to other points than the Amt., 657.

Iron manufacture bounty B. (170).

On M. (Mr. Bowell) for 2nd R.—Reason for B. questioned, remark on farming industry, 867; on Mr. Angers's reply, remark explained, 867.

Irrigation B. *See* "N.W.T."

Johnston, Judge, salary of. *See* "Judges."

Joint Stock Cos., Incorp., new regulations for; B. (EE).

On M. (Mr. Bowell) for 2nd R.—That liquidation provisions, &c., should apply to existing as well as new Cos., 524. That present Cos. do not make proper Returns, 524.

In Com. of the W.—On sub.-sec. 1: on ques. of liquidation of existing Cos., 581.

On cl. 3: on increase from 5 to 7 persons, 581.

On cl. 5: on large amount of capital required, 581.

On cl. 81: on mode of serving process, 582; further, 582; that opinion of Dept. of Justice be taken, 582.

On cl. 93: ques. of extending inspection provisions to existing Cos., 582, 583.

On cl. 160: ques. as to amount of paid up capital, 583; Mr. Bowell's suggestion, $100,000, approved, 583.

On cl. 195: extension of provisions to existing Cos., 583; further, 583, 584.

On Table B: ques. as to registration fees, 584; further on same, 584; further, 584.

Judges of Appeal, N. W. T. *See* "N. W. T. Acts Amt."

Judges, Provincial Courts, salaries, B. (155).

In Com. of the W.—On 2nd cl.: increase of County Ct. Judge Johnston's salary advocated, 703-4.

Jury Trials and Grand Jury panel. *See:* "Criminal Code Amt."

Justice, Administration of.

Death sentence commuted.—On M. (Mr. McInnes, B.C.) for papers: ques., judge's report, 204.

——— *See also:*

"Criminal Code Amt. B."
"Homestead Exemption Act repeal B."
"Interest Act Amt." (Court judgments).
"Judges, Provincial Courts, B."

**POWER, Hon. Laurence G.**—*Continued.*

Justice, Administration of—*Continued.*

"Montreal Harbour Commissrs. B.," cls. for prevention of theft, &c.
"N. W. T. Acts Amt." (Courts of Appeal).
"N. W. T., Game preservation B.," cls. respecting convictions and penalties.
"Revenue Act," Customs seizures, law suits.
"Youthful Offenders, trial, &c., B."

Juvenile Offenders. *See* "Youthful Offenders, B."

Land Grants, N.W. campaign. *See* "Militia."

Land in the Terries. Act Amd. and consolid. B. (HH).

In Com. of the W.—On cl. 2: mode of excepting minerals from land grants discussed, 675.

On cl. 5: devise of land, effect questioned, 675; further, 675.

On cl. 23: B., being legal, should be operated by Justice Dept., 676.

Again in Com.—On cl. 92: sub.-sect. 3, effect inquired, 677.

On cl. 94: on ques. of delay of registration, 678.

On cl. 99: caveator's proceedings, time limit, 678.

Land, irrigation of. *See* "N.W.T."

Lands, B. relating to. *See:*
"Homestead Exemption Act repeal B."

Lands, Dominion; settlers on School lands, titles confirmed, &c.; B. (160).

On M. (Mr. Angers) for 2nd R.—Omission of publication of regulations; reservation of rights not provided for, 799.

Law, administration of. *See* "Justice."

Liberal administration, Senate legislation during.

Comment on remarks by Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B., 353.

Liberal party, patriotism of.

Remarks on Mr. Bowell's speech on the Address, 40.

Remarks on Mr. Bowell's speech on new Tariff B., 875; on Mr. Clemow's, 881.

Lighthouses, Buoys, &c., and Sable Isld. Act Amt.; powers of Minister of Marine to appoint keepers, make contracts, &c.; B. (B).

On M. (Mr. Bowell) for 2nd R.—On Mr. Kaulbach's objection to cl. respecting contracts, 89.

In Com. of the W.—Change in wording of 1st cl. (appointments over $200 a year) suggested, 90.

Lobster packing and branding. *See:*
"Fisheries Act Amt. B."

McCarthy, Mr. D., political attitude of.

Comments on Mr. Ferguson's (P.E.I.) speech on Man. Schools question, 182.

Malt manufacture. *See* "Inland Revenue Act."

**POWER, Hon. Laurence G.**—*Continued.*

Man. and N.W.T. Schools question.

On M. (Mr. Bernier) for ordinances, Orders in Council, &c.—On Mr. Scott's speech: a ques., 119; remark, decision of Man. Court, 134. On Mr. Lougheed's speech: ques. and remarks as to normal schools, 150; ques., qualification as teacher, 152. On Mr. Angers's speech, a remark, 166. On the M., and the constitutional and historical points involved, 167, 172, 173.

In resumed debate: on the M., 173, 174, 175, 176. On Mr. Ferguson's (P. E. I.) speech: Mr. D. McCarthy's political attitude, 182; P. E. I. administrations, 183. On Mr. Bowell's speech: on ques. of Parly. etiquette in speaking, 188; personal views, 196; P. P. A., 196.

On Mr. Bernier *m.* his second M. on the question, that this M. was to stand, 197; that others may wish to discuss it, 197.

Manitoba, Lands. *See* "Lands, Dominion, B."

Marine and Fisheries Dept., appointments. *See:*

"Lighthouses, Buoys, &c., B."

Maritime Provinces, business depression in.

Remarks, in speech on the Address, 41.

Masters' and Mates' certificates Act Amt. B. (130).

In Com. of the W.—On cl. 8: increased fees questioned, 677.

Militia in N. W. Campaign, land grants, time further extended; B. (54).

On M. (Mr. Bowell) for 2nd R.—That this should be the last time for such Bs., 637.

Moncton and P. E. I. Ry. and Ferry Co.'s B. (I).

On M. (Mr. Poirier) for 2nd R.—Remarks on tunnel scheme, 256.

Montreal Harbour Acts consolidation B. (8).

On M. (Mr. Bowell) for 2nd R., and Mr. DeBoucherville's objection, B. not printed in French: Printing Bureau unsatisfactory, return to old system for Parliamentary printing suggested, 228.

In Com. of the W.—On cl. 8: Comment on Mr. Ogilvie's remarks as to incompetency of certain Commissrs., 313.

On cl. 16: that powers of Commissrs. to fix their salaries should be limited, 313; replies to Hon. Senators, 313; suggestion to add proviso, approval by Govt., 313; replies to Hon. Senators thereon, 316.

On cl. 18: suggestion, Board should also appoint Shipping Officer, 316; further remarks thereon, 316.

On cl. 25: on Mr. DeBoucherville's ques., as to Provincial law interfering with working of this B., 317; further, that this power is restricted to constitutional power of Parlt., 317.

On cl. 26: on Mr. Bowell's *m.* to strike out sub-sect. *n.*, control of tow-boats, 318; further as to regulations for preventing theft, 318. Suggestion to add, after *v.*,

**POWER, Hon. Laurence G.**—*Continued.*

Montreal Harbour Acts consolid.—*Contd.*

power of Commissrs. to fix their remuneration, 318; replies to Messrs. Bowell and Angers, 318.

On cl. 35: remarks on borrowing powers, 319; further, 319.

On cl. 36: expense of advertising property found, 319; as to defining mode of advertising, 320.

On cl. 41: remark on change in definition of magistrate, 320.

Montreal Isld. Belt Line Ry. Co.'s B. (59).

On M. (Mr. Tassé) for 3rd R.—Amt. *m.*, restricting elevated Ry., in the city, to passenger traffic, 621–2. Comments on Mr. Desjardins' speech, 625–6; reply to Mr. Pelletier, 626.

Montreal Park and Isld. Ry. Co.; Dominion Incorp. B. (68).

On M. (Mr. Ogilvie) for 2nd R. under suspension of Rules.—On opposition to the B., increase of capital authorized, &c., 691.

Mounted Police B. *See* "N. W. M. Police."

Musquodoboit Valley Railway.

Inqy.: intention of Govt. to aid construction by subsidy or otherwise; route explained, and claims urged; other Ry. subsidies criticised, 639-642. Reply to Mr. Kaulbach's remarks; incorporation of Co. not a prerequisite, 644.

Further reference hereto, on 2nd R. of Ry. Subsidies B., 865; replies to Mr. Kaulbach thereon, 866.

Mr. Kaulbach corrected as to survey, in debate on Ocean Steamship Subsidies B., 815.

New Glasgow, N.S., Wharf.

Ques. on its being under Pictou jurisdiction, in Com. on Pictou Harbour B., 252.

New York, N. E. and Canada Co. Incorp. B. (71).

Introduced*, 635.

2nd R. *m.* and B. explained, 648.

3rd R. *m.**, 689.

Northern Life Assurance Co. of Canada Incorp. B. (51).

Introduced*, 426.

2nd R. *m.* and B. explained, 481.

3rd R. *m.**, 521.

Northumberland Straits, Tunnel, &c. *See* "P.E.I."

North-west Campaign, Land Grants. *See* "Militia."

North-west, Freight Rates in. *See* "C.P.R."

North-west Mounted Police Acts consolid. B. (121).

In Com. of the W.—On cl. 4: increased staff questioned, and appt. of Comptroller, 645; further, on Mr. Angers's explanation, 646; Commissioner's duties questioned, 646.

On cl. 6: probable reduction of Force inquired, 647.

On cl. 9: Constables' powers in other provinces questioned, 648; such powers objectionable, 648.

POWER, Hon. Laurence G.—*Continued.*

North-west Terries. Acts Amt. B. (149).

In Com. of the W.—On cl. 2: ques., number of judges in N.W.T., 858; Court of Appeal, presence of trial judge, when necessary for quorum, Amt. suggested, 858; further, 858.

On cl. 16: on extension of legislative term to 4 years; should not apply to present Assembly, 859.

On cl. 17: ques., Lt.-Gov. sitting with Council. On Amt. (Mr. Angers) provision for filling vacancies in Executive Com. during recess: remarks on system of appointing that Com., 859.

North-west Terries., Game preservation B. (Z).

On M. (Mr. Bowell) for 2nd R.—Principle concurred in, 306; extension of close season recommended, 307; N. S. measures to preserve moose and cariboo, 308.

In Com. of the W.—On 1st cl.: on Mr. Kaulbach's suggestion to extend provisions beyond N. W. T.; suggested that title be "Territories Game Preservation Act," 333.

On cl. 2: extension of B. to Labrador, &c., 333, 334.

On cl. 5: extension of close season advocated, 334; prevention of exportation of hides, ques., to whom law is applicable, &c., 335; replies to Mr. Bowell, as to accepting Hudson's Bay officials' recommendations in framing the law, 336.

On sub-sect. *g*: on period of close season, 337.

On cl. 8: suggestion to insert "for food," 338; question, 339.

On cl. 15: ques. of liability of Indian and employer, 339; that cl. should stand, 340.

On cl. 17: that convicting officer should make returns of seizures, 340; further, 340.

On cl. 19: on ques., burden of proof on the accused, 341.

On cl. 22: grounds for arrest, 343.

On cl. 26: suggested powers to Govt. to alter close season, 343.

Again in Com.—Title suggested by Mr. Bowell "Unorganized Terries., &c., Act," approved, 356.

On cl. 15, and M. (Mr. Bowell) to substitute new cl. 12: that B. is still vague as to employment of Indians, 356.

On cl. 19, and Mr. Bowell's M. to insert "on reasonable suspicion": that cl. should be struck out, 357.

On cl. 22, and Mr. Bowell's M. to strike out "other useful purposes": remarks on scientific permits, 357.

Again on cl. 19, and Mr. Bernier's suggestion to strike it out: replies to Mr. Bowell on burden of proof, 358.

On cl. 8: ques. whether par. *b* struck out, 360.

Again in Com.—On cl. 27 and M. (Mr. Bowell) to insert 1st Jan., 1896: ques., why put off so far, 364.

North-west Terries. Irrigation B. (134).

In Com. of the W.—On cl. 4: on ques. of exclusion of settlers from swamp lands, 681-3; suggestion to define limits of application of B., 684; further, 684.

POWER, Hon. Laurence G.—*Continued.*

North-west Terries. Irrigation—*Continued.*

On cl. 8: on ques. of cls. clashing, 686; suggestion thereon, 686.

On cl. 12: on requiring employment of qualified C. E., 685.

North-west Terries., Lands, B. *See* "Lands."

North-west Terries. Representation Act Amt. B. (5).

On M. (Mr. Angers) for 2nd R.—On introduction of ballot system; disfranchisement of Dom. officials in N.S. local elections; the ballot for N W.T., approved, 462-3.

In Com. of the W.—On cl. 3: no enactment of election by ballot actually made, 486.

On cl. 6: sect. 28 of Dominions Elections Act should be quoted, 486.

Again in Com.—On Amt. (Mr. Angers) adding to cl. 18, sub-sect. against dual representation: the Amt. approved; ques. as to evidence of resignation in local legislature, 614; further, 615.

North-west Terries. (and Man.) Schools question.

On M. (Mr. Bernier) for ordinances, Orders in Council, &c.—On Mr. Scott's speech: a ques., 119; remark, decision of Man. court, 134. On Mr. Lougheed's speech: ques. and remarks as to normal schools, 150; ques., qualification as teacher, 152. On Mr. Angers's speech, a remark, 166. On the M., and the constitutional and historical points involved, 167, 172, 173.

In resumed debate: on the M., 173, 174, 175, 176. On Mr. Ferguson's (P.E.I.) speech: Mr. D. McCarthy's political attitude, 182; P.E.I. administration, 183. On Mr. Bowell's speech: on ques. of Parly. etiquette in speaking, 188; personal views, 196; P.P.A., 196.

On Mr. Bernier *m.* his second M. on the ques., that this M. was to stand, 197; that others may wish to discuss it, 197.

Nova Scotia, Dominion Officials disfranchisement.

Remarks on 2nd R. of N.W.T. Representation Act Amt. B., 462.

Nova Scotia Steel Co., Incorp. B. (131).

(Introduced and 2nd R. *m* by Mr. McKay, 639, 664.)

3rd R. *m.**, 689.

Oaths, Parliamentary Witnesses, B. *See* "Parliamentary Witnesses' Oaths Act, 1894."

Ocean steam communication, increased.

Remarks, in speech on the Address, 45, 46, 47.

*See also* the following Bill:

Ocean Steamship subsidies; fast Atlantic line; B. (161.)

On M. (Mr. Angers) for 2nd R.—Reasons for subsidy enquired, 800. Comments on Mr. Angers's speech, 801. On Mr. Boulton's, 805. On Mr. Clemow's, 808. The subject reviewed, and action of Govt. criticised, 809-10-12-

POWER, Hon. Laurence G.—*Continued.*

Ocean Steamship subsidies—*Continued.*

13–14. On the papers relating to B. not being properly tabled, 810; reply to Mr. Angers's explanation, 814. Mr. Angers called to order, misquotation of remarks, safety of route, 815. Mr. Kaulbach corrected, Musquodoboit Valley Ry. survey, 815. Comments on Sir F. Smith's speech, 816; on Mr. Drummond's, 821; further, 821.

On M. (Mr. Angers) for suspension of Rule, for 3rd R.—Further on ques. of tabling of the papers, 823; on Mr. Angers's reply, 823.

Ont. Separate Schools—*referred to on* "Man. and N. W. T. Schools question."

Order and Procedure, questions of.

*Bill, acceptance of, as drafted.*—Discussion with Mr. Bowell as to necessity of acceptance of Hudson Bay Co. officials' recommendations, for framing a Game protection B., 335–6.

*Bill, affecting Commons only.*—Not Parly. etiquette to meddle with: remarks on Bribed Voters disfranchisement B., 499.

*Bill, Amts., concurrence in.*—Objection to immediate concurrence in Amts. of Com. of W. on Insolvency B., unless sense of House thereon may be taken at 3rd R., 603.

*Bill, Com. of W. upon 2nd R.*—Pointed out that this is not the procedure (Parliamentary Witnesses' Oaths B.), 365. On Mr. Angers's expressed readiness to immediately accept suggested Amts., objection withdrawn, 365.

*Bill conflicting with another Statute.*—This discrepancy pointed out, on Parly. Witnesses' Oaths B., 407; again, 407; further, 408; but the objection not pressed, 408.

*Bill, Govt., improved in Senate.*—On Amt. accepted by Govt., to Fisheries Act Amt. B., 727.

*Bill, imposing penalties.*—That Senate can deal with such, as they do not impose a burden on taxpayers; reply to Mr. Clemow, on Fisheries Act Amt. B., 740.

*Bill, papers in connection with.*—See "Papers."

*Bill, provision for penalties.*—See the debate on those cls. of "N.W.T. Game preservation B."

*Bill, reference to Com.*—On Insolvency B.: that House has to wait for its reference to a Select Com., before consideration in Com. of the W., 249.

*Bill, 3rd R. without suspending Rules.*—Attention called, Com. of W. having just reported B. (Public Harbours) with Amts., 277–8.

*Bill, title.*—Objection taken to name given in Banking Com., to "Trust Corporation of Canada," as too comprehensive, 265. Amt. to 3rd R. *m.*, giving more local title, 273. After explanations by mover of B., Amt. withdrawn, 274.

*Bills, private, extension of time.*—On Mr. Bowell's statement that Govt. does not object: pointed out that new Rules give longer time, for purpose of preventing extensions, 155.

POWER, Hon. Laurence G.—*Continued.*

Order and Procedure—*Continued.*

On Standing Orders Com. Report, on extension of time for reports, a ques., 285; that Rule is vague and Report of Com. should be adopted, 285.

*Cabinet, difference in the.*—Comments on Sir F. Smith's action on Insurance Act Amt. B., 834.

*Com. Report, adoption on day presented.*—Request for postponement till next day, in Downey Divorce case, 112; in Dillon Divorce case, 224; on Mr. Kaulbach's objection, pointed out that adoption same day could only be by unanimous consent, 224.

*Com. Report and Minority Report.*—See debates on the procedure in "Dillon Divorce case."

*Com. Report, incorrect; Amt. of.*—That Internal Economy Com. Report does not embody Com.'s recommendation, as it restricts addl. translators to B. work, 250; held that it may be amd. at table, by consent, 250; Amt. at table, of report on Trust Corporation's B. suggested, 265.

*Com. Report, making no recommendation.*—In case of Red Deer Valley Ry. Co.'s B., Standing Orders Com. reporting petition not signed by proper officials, but making no recommendation; suggestions as to procedure, 197, 198.

*Com. Report, mode of amending.*—Ques. of Order against Amt. (Mr. McInnes, B.C.) to M. for adoption of Internal Economy Com. Report by increasing Postmaster's salary, 654; reply to his contention in support thereof, 654.

*Commons, Amts., concurrence in.*—Comments on proper form of M. for partial concurrence, 630–1; criticisms on the procedure, rescinding above Resolution, and concurring in all, 644.

*Constitutional and legal questions.*—See debate on "Man. and N.W.T. Schools question." *Also* "Senate, Speakership, temporary, B." "Montreal Harbour Commissrs. B."; cl. 25, ques. of Provincial and Dominion legislation clashing; the same on "Insurance Act B." Legal points discussed on "N.W.T. Game preservation B."

*Debate, etiquette of.*—On Mr. Angers's intimation of closing the debate on Man. Schools question, 166. On making a speech thereafter, 167. On Mr. Bowell's reference thereto, 188.

*Debate, expressions.*—Comment on Mr. Scott attributing want of common sense to those holding opposite views, 262; regret expressed for language used in Dillon Divorce debate, as being perhaps rather too direct or pronounced, 408.

*Debate, irrelevant speaking.*—Ques of Order, that Mr. Clemow must confine himself to the Amt. (to re-commit Internal Economy Com. Report, to increase Postmaster's salary), on his referring to other subjects in the Report, 657; similar ques. of irrelevancy, on Mr. Dever's speech, 658.

POWER, Hon. Laurence G.—*Continued.*

ORDER AND PROCEDURE—*Continued.*

*Debate, motives imputed in.*—Mr. Kaulbach called to order, for remarks on Mr. Boulton's speech on the French Treaty, 674.

*Debate, ques. of Order before Chair.*—Mr. McInnes reminded that only that ques. can be spoken to, until settled, 654.

*Debate, remarks made in.*—On Inqy. (Mr. Ferguson, Niagara) for reports on Hudson Bay route: pointed out that Senate had discussed this question in previous sessions, 222. On objections taken to this remark: explanations, 222, 223.

*Debate, the floor in.*—Remark on Mr. Prowse having asked a ques. (in Dillon Divorce debate), continuing speech, Mr. Dickey having the floor, 414.

*Debates, publication in.*—Objection (Mr. Angers) to Mr. Boulton's speech on his irregular B. (Hudson Bay Ry. construction) opposed; he should have opportunity to give his views to country, 272.

*Division, mode of calling for.*—On Mr. Almon demanding division on passing of Trade Combines B.: pointed out that it must be called for by two members, 461.

*Divorce procedure.*—*See* the lengthy debate on "Dillon, James St. G., divorce B."

*Motion, not on Order paper.*—That ques. of Order, that Mr. O'Donohoe's Amt. to recommit Divorce Com.'s Report (Dillon case) is not on Order paper, should be conceded, and some other Senator *m.* the Amt., to let the debate proceed, 432.

*Motions being put jointly.*—On Mr. Bernier *m.* his second M. on Man. Schools question: that this M. should stand, 197; that others may wish to speak thereon, 197.

*Orders of the Day, wrong entry.*—That resuming of debate on Com. Report in Dillon Divorce case should, by rules, take precedence after 3rd Rs., 383, 384. On ques. of position of further resumed debate on the Orders, under new Rules, 406.

*Papers, tabling of.*—Discussion with Mr. Angers, upon proper tabling of papers *re* Ocean Steamship subsidies B., 810, 814, 823.

*Printing, parliamentary.*—Return to old system suggested, on proposal for 2nd R. of Montreal Harbour B., without waiting for French edition, 228.

*Rules, Senate, revised.*—Changes explained, 86. Rule 50, remarks on vagueness of, 285.

*Senate adjournment, necessity of M.*—On ques. as to necessity of M. (Mr. Angers) to adjn. over Ascension Day: held that it is necessary, 311.

*Senate legislation.*—Govt. B. improved by: remarks on Amt. accepted by Govt., to Fisheries Act Amt. B., 727.

*Session, late date of calling.*—Remarks on 2nd R. of Electric Light Inspection B., 695-6, 699; on 2nd R. of new Tariff B., 870, 872.

POWER, Hon. Laurence G.—*Continued.*

OTTAWA GAS CO., BORROWING POWER; B. (26).

On M. (Mr. Clemow) for 2nd R.—That the powers are unnecessary; reference to B. restraining powers of such Cos., 310.

PACIFIC, STEAM COMMUNICATION, INCREASED. *See* "Ocean communication, increased."

PARLIAMENT, LATE SESSION DISAPPROVED.

Remarks on 2nd R. of Electric Light Inspection B., 695-6, 699.

PARLIAMENTARY WITNESSES' OATHS ACT, 1894; B. (90).

On M. (Mr. Angers) for 2nd R.—Verbal inaccuracies pointed out, 364.

On M. (Mr. Angers) into Com. of the W.—Pointed out that this does not occur on same day, 365; on Mr. Angers's explanation, objection withdrawn, 365.

In Com. of the W.—On the verbal Amt. necessary, 365.

On Order for consideration of Amts. of Com. of the W.—Pointed out that B. conflicts with chap. 11 of Revised Statutes, 407.

On. M. (Mr. Angers) for concurrence: the same, 407; further, 407; further, but objection not pressed, 407.

PETROLEUM INSPECTION ACT AMT. B. (122).

On M. (Mr. Angers) for 2nd R.—Reason for B., lowering flash test, questioned, 689; Mr. Angers's remarks replied to, 690.

In Com. of the W.—On cl. 1: further on above point, 700; comment on Mr. Sullivan's speech, 701; on Mr. Angers's, 701.

On cl. 5: why importation in tank steamers not allowed, inquired, 701; on Mr. Angers's reply, 701; on Mr. Kaulbach's remarks, 702.

PICTOU (N.S.) HARBOUR ACT AMT. B. (F).

In Com. of the W.—Inqy. as to New Glasgow wharf being under Pictou jurisdiction, 252.

PORT HAWKESBURY AND CHETICAMP RY.

Remarks on 2nd R. of Ry. subsidies B., 865.

PRINCE EDWD. ISLD., BUSINESS DEPRESSION IN.

Remarks, in speech on the Address, 41.

——— FORESHORES JURISDICTION.

Remarks on 2nd R. of Public Harbours B. (U), 275.

PRINCE EDWARD ISLAND, TUNNEL SCHEME, FINANCIAL CLAIMS, &C.

On M. (Mr. Poirier) for 2nd R. of Moncton and P. E. I. Ferry Co.'s B., 256.

On Ms. (Mr. Ferguson, P.E.I.) for correspondence.—Ques. on his trade statistics, 540.

On the printing of Sir D. Fox's report on tunnel, 545; on quality of P. E. I. potatoes, 546.

PRINTING BUREAU, UNSATISFACTORY.

On M. (Mr. Bowell) for 2nd R. of Montreal Harbour B., and Mr. DeBoucherville's objection, B. not printed in French: return to old system, for Parliamentary printing suggested, 228.

**POWER, Hon. Laurence G.**—*Continued.*

Printing, public, cost of, 1883-93.
M. for Return; remarks on delays; ques. of reverting to contract system, 688.

Private Bills, extension of time for.
On Mr. Bowell's statement that Govt. would not object: that new Rules give longer time, for purpose of preventing these extensions, 155.
On Standing Orders Com.'s Report, on extension of time for reports, a ques., 285; that the Rule is vague, and Com. Report should be adopted, 285.

Privy Council, Imperial, appeals to.
Comments on Mr. Scott's speech on Man. Schools ques., 134, 167. Again alluded to, 262.

Railway Act Amt.; shelter for employees; B. (14).
In Com. of the W.—Remarks on extent of B., 496.

Railway Subsidies, B. (169).
On M. (Mr. Bowell) for 2nd R.—Remarks on Musquodoboit Valley Ry., Pt. Hawkesbury and Cheticamp Ry., C. B. extension Ry., 865-6; replies to Mr. Kaulbach: C. B. Ry., 866; Musquodoboit Valley route, 866.
Musquodoboit Ry., previously referred to, on Inqy., 639-44; again on Steamship Subsidy B., 815.

Railway Subsidies (land) B. (168).
In Com. of the W.—Ques., re-votes, 862. Slowness of C. P. R. Co. in settling their lands, commented on, 862; grants in sparsely-settled and in older Provinces compared, 863.

Red Deer Valley Ry. and Coal Co.'s B. (—).
Petition not signed by Ry. officials.—On presentation (Mr. Macdonald, B.C.) of Standing Orders Com.'s Report, containing no recommendations: suggestions as to procedure, 197, 198.

Reformatories. *See* "Youthful Offenders, B."

Reformed Baptist Church Incorp. *See* "Baptist."

Revenue and Audit Act Amt. B. (127).
In Com. of the W.—On 1st cl.: limitation of time for suit too short, 660.
On sub-sect. 6: verdict against Officer should carry costs, 660, 661; comments on Mr. Angers's speech, English system, 662; U.S. system borrowed, 663; tariff revision digressions, 663; addition of "reasonable cause" urged, 663.

Rivers, sawdust in. *See* "Fisheries Act Amt. B."

Roman Catholic Schools. *See:*
"Man. and N.W.T. Schools question."

Rules of Senate, revised.
Report of Special Com. presented; changes explained, 86. Adoption *m.*, 87. Printing of 50 copies additional, French, *m.*, 87.
On ques. of extending time for Private Bs., under new Rules, 155.

**POWER, Hon. Laurence G.**—*Continued.*

St. John, N.B., harbour improvement.
Remarks on 2nd R. of Public Harbours B., 275.

Sable Island B. *See:*
"Lighthouses, Buoys, &c., B."

Sawdust in rivers. *See* "Fisheries Act Amt. B."

School Lands, Man. and N.W.T. *See* "Lands, Dom., B."

Schools, separate. *See:*
"Man. and N. W. T. Schools question."

Seal Fishery. *See* "Behring Sea."

Seamen's Act Amt.; Master's lien on vessel for disbursements, &c.; B. (13).
On M. (Mr. Bowell) for 3rd R.—Amt. *m.*, to make wording clearer, 427-8.

Senate, Adjournment of.
(Ascension Day.)—On ques. whether M. (Mr. Angers) was necessary to adjn. over a statutory holiday: held that it is so, 311.

Senate and Commons B. *See* "Sessional Indemnity."

Senate and Commons, Evidence before. *See:*
"Parliamentary Witnesses' Oaths Act, 1894."

Senate Committees, Appointment of.
On consideration of Report of Com. of Selection; on ques. of adopting cls. separately, 98.
Suspension *m.* of Rule 16, for adoption of cl. changing the "Contingt. Accts. Com." to "Internal Economy Com.", 98.

Senate, Legislation in, Amount of.
Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B.: Bs. amd. in Senate during Liberal administration, 353.

Senate Rules, revised.
Report of Special Com. presented; changes explained, 86. Adoption *m.*, 87. Printing of 50 copies additional, French, *m.*, 87.
On ques. of extending time for Private Bills, under new Rules, 155.

Senate, Speakership, temporary, B. (Q).
On M. (Mr. Angers) for 2nd R.—On the constitutional points, 261-2.
In Com. of the W.—On 4th cl., on the wording, 266.

Senators, Deceased, Funeral Expenses.
(Messrs. Flint and Glasier.) M. (Mr. Bowell) for payment, supported, 688.

Session, late, disapproved, &c.
Remarks on 2nd R. of Electric Light Inspection B., 695-6, 699.
Remarks on 2nd R. of new Tariff B., 870, 872.

Sessional Indemnity, 12 Days not chargeable; B. (164).
On M. (Mr. Angers) for 3rd R.—Such Bs. opposed, 838.

POWER, Hon. Laurence G.—*Continued.*

Shipping Trade (Tank Steamers). *See:* "Petroleum Inspection B."

——— *See also* the "Ocean Steamship Subsidies B."

Ships, Lien on. *See* "Seamen's Act Amt. B."

Ships, Masters', &c., Certificates. *See:* "Masters."

Ships, Safety of, Act Amt.; six-feet deck-load permitted to W.I.; destination defined, &c.; B. (G).
On M. (Mr. Bowell) for 2nd R.—Inqy. why S. American ports not covered by B., 251. Reply to Mr. Bowell, Brazil not covered, 251.
In Com. of the W.—On 1st cl.: same objection urged, 278; reply to Mr. Macdonald (P.E.I.), 280; to Mr. Bowell, 280, 281.
On 3rd cl.: Amt. *m.* to add S. America, 281, 282.

Speaker, temporary. *See* "Senate" (above).

Standing Orders Com., Report of.
On M. (Mr. Macdonald, B.C.) for adoption: extension of time for reporting on Private Bs., a ques., 285; that the Rule is vague, and Com. Report should be adopted, 285.

Steam Boiler and Plate Glass Ins. Co. Incorp. Act Amt.; insurance of the engineers, &c.; B. (35).
Introduced*, 285.
2nd R. *m.* and B. explained, 289. Reply to Mr. Scott, as to its clashing with new Insurance B., 289.
3rd R. *m.**, 364.

Steamships, Atlantic and Pacific. *See:* "Ocean steam communication, increased."

Subsidies to Rys. B. *See* "Railways."

——— Steamships. *See* "Ocean Steamship."

Supreme Court decisions, finality of.
Comments on Mr. Scott's speech, on Man. Schools question, 134, 167.

Tariff, the, Revision of.
Remarks on Mr. Bowell's speech, on the Address, 39. Further, in speech on the Address, 44, 45.
Remarks in digression, in Com. on Revenue Act. Amt. B., 663.
Remarks on 2nd R. of Electric Light Inspection B., 696, 699.
Remarks on 2nd R. of Iron Bounties B., 867.

——— *See* (especially) "Customs Duties Act Amt. B."

——— *Also* "Petroleum Inspection B."

——— *Also* "France, Treaty with, ratification B."

Territories Game preservation Act. *See:* "N.W.T. Game preservation Act."

Territories, Lands in, B. *See* "Lands."

Timber, Culling of. *See* "Cullers' Act Amt."

POWER, Hon. Laurence G.—*Continued.*

Trade, combinations in restraint of, Act, Amt. B. (AA).
Comments on remarks of Mr. Read (Quinté) in *m.* 2nd R.: Bs. amended by Senate during Liberal administration, 353.
Remarks on 2nd R. of Consumers' Cordage Co.'s B., 483.
On Mr. Almon demanding a division on passing of B.: that it requires two members to call for names, 461.

Trade, volume of.
Remarks, in speech on the Address, 40, 41.
*See also* "P.E.I. winter communication, &c.," debate on M. (Mr. Ferguson).

Translators. *See* "French translators."

Treaty, the French. *See* "France, Treaty with."

Trust Corporation of Canada Incorp. B. (D).
On M. (Mr. Lougheed) for adoption of Banking Com.'s Report: correction of clerical errors, 265; name of Co. too comprehensive 265.
On M. (Mr. Lougheed) for 3rd R.—Amt. *m.*, name "Alberta Trust and Guarantee Co.", 273. Amt. withdrawn, 274.
Commons Amts.—On M. (Mr. Lougheed) for concurrence: errors and discrepancies in the Amts. pointed out, 627.
On M. (Mr. Lougheed) for concurrence, except Amts. 2 and 4; in debate on proper procedure, the M. supported, 630, 631.
On M. (Mr. Lougheed) to rescind above Resolution, and to concur in Amts. 2 and 4: criticisms on the procedure, 644.

Unorganized Terries., Game preservation B. *See* "N.W.T. Game preservation B."

U.S., and the Tariff revision.
Digression in Com. on Revenue Act Amt. B., 663.
*See* (especially) "Customs Duties Act Amt. B."

U.S., business depression in.
Remarks, in speech on the Address, 41.

U.S., reciprocity with.
Remarks on French Treaty interfering with, 823.

U.S. *See also* "Behring Sea."

Vessels, liens on. *See* "Seamen's Act Amt. B."

Voters who have taken bribes, disfranchisement B. (6).
On M. (Mr. Dickey) for 2nd R.—On Mr. Almon's speech: B. not mutilated in Commons by Liberals, 499; on Mr. McKay's: not Parly. etiquette to meddle with B. affecting Commons only, 499.

Western Canada Trust, &c., Corporation B. *See* "Trust Corporation of Canada."

Windsor and Annapolis Ry. Co. *See:* "Dominion Atlantic Ry. Co., B."

**POWER, Hon. Laurence G.**—*Continued.*

Witnesses, Parliamentary, oaths B. *See:* "Parliamentary Witnesses Oaths Act, 1894."

Yarmouth and Annapolis Ry. *See:* "Dominion Atlantic Ry. Co.'s B."

Youthful Offenders, separate trial, punishment, &c.; B. (Y).

In Com. of the W.—On 2nd cl.: change of wording suggested, to save expense of separate buildings to municipalities, 348; substitution of "with" for "used for," in that view, 349.

**PRICE, Hon. Evan John.**

France, Treaty with, ratification B. (147).

On M. (Mr. Angers) for 2nd R.—Comments on Mr. Scott's speech: difference in timber duties, 765; consequent profit, 765; former shipments to France, 765.

Ocean Steamship subsidies; Atlantic fast line; B. (161).

On M. (Mr. Angers) for 2nd R.—Comments on Mr. Scott's speech: ocean fogs, 803, 804. On Mr. Power's: Allan line not owned in Canada, 813; largely in Scotland, 813.

**PRIMROSE, Hon. Clarence.**

Address in answer to Speech from the Throne.

On M. (Mr. Ferguson, P.E.I.) for.—On Mr. Power's speech: increased ocean communication, 83.

On the Speech from the Throne: stability and permanence of Canadian progress, 84.

Atlantic fast line. *See* "Ocean communication."

Dillon, James St. G., Divorce B. (T).

On consideration of Com. Report, in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence.—On Mr. Kaulbach's speech: ques. as to facts of case, 373; further as to separation by consent, 374. On Mr. Power's: comment on the evidence, 403.

Electric Light Inspection B. (118).

On M. (Mr. Angers) for 2nd R.—Replies to Opposition criticisms: legislative work of the session, looking to Washington in tariff matters, and consulting views of the people; progress of Bills in the Senate, 698, 699.

Fisheries Act Amt. B. (145).

In Com. of the W.—On cl. 5: on Amt. (Mr. Power) branding of lobster cases, Fishery officer unnecessary; branding by officer approved, 708.

On sub-cl. 5: on necessity for label stating lobsters legally caught; the cl. approved, 709; responsibility on Fishery officer, 709; further, 709.

On sub-cl. 10: on necessity of Inspector's presence at factory, 713.

**PRIMROSE, Hon. Clarence**—*Continued.*

Fisheries Act Amt.—*Continued.*

On sub-cl. 12: on penalty for false branding; the regulation approved, 715; further on the necessity, 716; further, 716.

On Amt. (Mr. Clemow) sawdust in rivers, prohibition, exemptions precluded; on difficulty of burning sawdust; present time opportune for the regulation, 734; further, 735.

On cl. 9: each fish a separate offence, regulation too arbitrary, 738.

Sub-sect. 7: should not be expunged, but modified, 739. On Amt. (Mr. Angers) doing away with each fish being a separate offence, 739.

Insolvency Act, 1894; B. (C).

In Com. of the W.—On cl. 35: Amt. (Mr. Miller) to reduce payment required for discharge to 50c., supported, 591.

Legislation, progress of.

Reply to Opposition, in debate on Electric Light Inspection B., 698-9.

Lobster packing and branding. *See* "Fisheries Act Amt."

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": the Amt. supported, 577.

Ocean communication, increased.

In debate on the Address.—Comment on Mr. Power's speech, 83.

*See also* the following Bill:

Ocean Steamship subsidies; fast Atlantic line; B. (161).

On M. (Mr. Angers) for 2nd R.—Reply to Mr. Power's criticism of Mr. Clemow's speech; on Opposition criticism on C. P. R. construction policy, and its success; on success of present enterprise, 817.

Sawdust in rivers. *See* "Fisheries Act Amt."

Session, date of holding.

Reply to Opposition criticisms, on 2nd R. of Electric Light Inspection B., 698-9.

Sunday observance B. *See* "Lord's day."

Tariff and Trade matters generally.

Remarks in debate on the Address, 84.

Replies to Opposition criticisms, in debate on Electric Light Inspection B., 698-9.

**PROWSE, Hon. Samuel.**

Banking system criticised.

Remarks in Com. on Insolvency B., 559, 560.

Dillon, James St. G., Divorce B. (T).

On report of Com. in favour of B., and Minority Report (Mr. Kaulbach) that Com. ruled out questions and excluded evidence.—On Mr. Power's speech: ques. as to precedents in England, 413; on his reply, and on having the floor, 414. On the religious question being brought into debate, and on the merits of the case, 414-5-6.

**PROWSE, Hon. Samuel**—*Continued.*

Dillon Divorce B.—*Continued.*

On M. (Mr. O'Donohoe) to re-commit Report for further evidence: on his speech, remark on votes of Senators, 455.

On M. (Mr. Clemow) for adoption of Com. Report, and Amt. (Mr. Bellerose) to re-commit, to strike out re-marriage cl. of B.: hearsay evidence from Hon. Senators objected to, 616.

Ques. of Order, against Mr. Bellerose speaking again, 618.

Insolvency Act, 1894; B. (C).

In Com. of the W.—That it was agreed at 2nd R. the principle of B. might be discussed later; remarks on the B., 506.

Again in Com.—On cl. 3: on Amt. (Mr. McKindsey) defining classes to whom B. shall apply, and Amt. (Mr. Power) not to apply to others than traders: both Amts. opposed, Banking business criticised, &c., 559–560.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": the B. supported, 572, 573.

Moncton and P. E. I. Ry. and Ferry Co. Acts Amt. B. (I).

On M. (Mr. Poirier) for 2nd R.—Comments on tunnel scheme, &c., 255.

N.W.T. Game preservation B. (Z).

In Com. of the W.—On cl. 17: confiscation to convicting officers' own use strongly objected to, 341.

N. W. T. Representation Act Amt.; ballot voting; B. (5).

On M. (Mr. Angers) for 2nd R.—On Mr. Almon's speech, disfranchisement of Dom. officials in N.S. local elections: a ques., 461.

Order and Procedure, questions of.

*Bill, principle of, discussion.*—That it was agreed on 2nd R. of Insolvency B., the principle of B. might be discussed later, 506.

*Debate, having the floor in.*—Ques., that Mr. Dickey had the floor, being raised by Mr. Power: held that it was not Mr. Power's place to raise the question, 414.

*Debate, speaking twice in.*—Ques. of Order, against Mr. Bellerose speaking again, on his M. to re-commit Dillon B., 618.

*Divorce procedure.*—See "Dillon" case (above).

Prince Edwd. Island, tunnel scheme, &c.

On M. (Mr. Ferguson, P. E. I.) for correspondence.—To Mr. Kaulbach: why potatoes not shipped to N.S., 546.

Sunday observance B. *See* "Lord's day."

**READ, Hon. Robert (Quinté).**

Atlantic line. *See* "Ocean Steamship Subsidies B."

**READ, Hon. Robert (Quinté)**—*Continued.*

Boynton Bicycle Electric Ry. Co. Incorp. B. (85.)

Introduced *, 687.

2nd R. *m.**, 704.

Amt. of Ry. Com. (power of detour to point on Niagara River): concurrence *m.*, 705.

3rd R. *m.**, 727.

On Message from Commons, disagreement to Senate Amt.: M. that Senate do not insist on Amt., 864.

Cobourg, Northd. & Pacific Ry. Co.'s B. (132).

Petition presented, 225.

(B. introduced by Mr. MacInnes, Burlington*, 687.)

2nd R. *m.**, 704.

(3rd R. *m.* by Mr. MacInnes*, 727.)

Combinations in restraint of Trade. *See* "Trade."

Contingt. Accts. Com. *See* "Internal Economy Com."

Dillon, James St. G., Divorce B. (T).

On Com. Report, in favour of B., and Minority Report (Mr. Kaulbach) that Com. had ruled out questions and excluded evidence.—Comments on Mr. Kaulbach's speech: Dillon not the only R.C. divorce case, 372; further, 372. On Mr. Scott's: Campbell case, 387; on evidence in Com., 388; further, 389. On the action of the Com.; on previous cases; religious differences before Confederation; intention of B.N.A. Act; on the question of creed; that preamble of B. is proven; the B. supported, 399, 400, 401.

On M. (Mr. O'Donohoe) to re-commit Report for further evidence: a ques. on procedure, 432; M. opposed as irregular, 433; on Mr. Power's speech, a remark on evidence, 452.

On M. (Mr. Clemow) for adoption of Com. Report, and Amt. (Mr. Bellerose) to re-commit and strike out re-marriage cl. of B.; ques. whether this is in interest of morality, 617.

Flint, the late Hon. Senator.

Remarks upon the decease of, 564.

France, Treaty with, ratification B. (147).

On M. (Mr. Angers) for 2nd R., and Amt., (Mr. Boulton) to return Treaty for further negotiations.—That our representatives having made the Treaty, it should be ratified, 791.

Gagnon, Messenger. *See* "Internal Economy Com."

Hay inspection. *See* "Inspection, General, Act, Amt."

Hudson Bay route, feasibility of.

On attention called to subject (Mr. Ferguson, Niagara) with Inqy. for recent reports.—On the objection taken to Mr. Power's remark, that this subject had already been discussed in previous sessions, 222.

Hudson Bay Ry. Construction B. (BB).

On M. (Mr. Boulton) for 2nd R.—Remarks, closing of Hudson Bay navigation in August, 471.

**READ, Hon. Robert (Quinté)**—*Continued.*

Insolvency Act, 1894; B. (C.)

Inqy. whether B. will be introduced in the Senate, and when, 90. Progress reported from Com. of W., 513, 563, 580. Reported from the Com. with Amts., 603.

Inspection, General, Act Amt.; Hay inspection; B. (125).

In Com. of the W.—Remarks: colour of hay, 489, 495; mixed grass, 493; another grade of hay than clover or timothy suggested, 496.

Internal Economy Com., 4th Report.

Presented, and adoption *m.*; Postmaster's salary increased as instructed; refund of superannuation tax paid by Messenger Gagnon, 680. Reply to Mr. Macdonald (B.C.), power of suspending an official, 680. At Mr. Angers's suggestion, Amt. in wording *m.*, 681.

Man. and N.W. Ry. Co.'s B.

Petition of W. Barwick, for leave to petition, presented, 224; *m.* to refer it to Standing Orders Com., 225. M. that it be read, 225.

Messenger Gagnon. *See* "Internal Economy Com."

Nanaimo and Esquimalt Ry. B., rejection of. Remarks in *m.* 2nd R. of Trade Combines B., 353.

Ocean Steamship subsidies; fast Atlantic line; B. (161).

On M. (Mr. Angers) for 2nd R.—Being shortest route between Chicago and G.B., and in the interest of this country, the B. supported, 817.

Order and Procedure, questions of.

*Bill, explanation at 2nd R.*—Mr. Bowell having requested explanation of Trade combinations B., at 1st R.: that, in Senate, this is customary at 2nd R., 289.

*Debate, remarks in.*—On objections taken to Mr. Power's remark on Inqy. (Mr. Ferguson, Niagara) respecting Hudson Bay route, that Senate had already discussed the question in previous sessions, 222.

*Divorce procedure.*—See debate on the "Dillon Divorce B." (above).

Ottawa Gas Co., borrowing power granted; B. (26).

On M. (Mr. Clemow) for 2nd R., and Mr. Power's suggestion that this B. should stand, in view of another B., 310.

Piper Divorce B. (O).

17th Report of Divorce Com.: adoption *m.**, 425.

Postmaster, salary of. *See* "Internal Economy Com."

Revenue and Audit Act Amt. B. (127).

Reported from Com. of the W., without Amt., 664.

Seamen's Act Amt.; lien upon ship, &c.; B. (13).

**READ, Hon. Robert (Quinté)**—*Continued.*

Seamen's Act Amt.—*Continued.*

Reported from Com. of the W., without Amt., 425.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) to make meaning clearer; a remark on wording of the B., 428.

Senate Officials. *See* "Internal Economy Com."

Senate, Speaker, temporary, provision for; B. (Q).

Reported from Com. of the W., without Amt., 266.

Senate, work performed by the.

Remarks, in *m.* 2nd R. of Trade Combines B.; list of Govt. Bs. introduced and amd. in Senate since 1867, 351-2-3.

Short Line Ry. B., Senate rejection of.

Remarks in *m.* 2nd R. of Trade Combines B., 353.

Steamship subsidies B. *See* "Ocean Steamship."

Thompson Divorce B.

16th Report of Divorce Com.: adoption *m.*; no defence: no minority report, 425.

Trade, combinations in restraint of, law, Amt. B. (AA).

Introduced and 1st R. *m.*, 289. In reply to Mr. Bowell: in Senate, explanation of B. is customary at 2nd R., 289.

2nd R. *m.*, 350; remarks on original Combines B., 351; on work done by the Senate, 351; list of Govt. Bs. introduced and amd. in Senate since 1867, 351-2-3; Nanaimo and Esquimalt Ry. B., 353; Short Line Ry. B., 353; cattle carrying combine, 353-4; undertakers' combine, 355-6.

In Com. of the W.; two Amts. *m.*, 428.

3rd R. *m.*, 460.

Treaty, the French. *See* "France, Treaty with."

Undertakers' Combine. *See* "Trade combinations B."

York, the Duke of, birth of a son.

Inqy., Government intention to pass an Address to the Queen, 693.

**REESOR, Hon. David.**

Ballot, vote by. *See* "N.W.T. Representation Act Amt."

Bribed voters, disfranchisement B. *See* "Voters."

Dillon Divorce B. (T).

On Report of Divorce Com. in favour of B.; Minority Report (Mr. Kaulbach) that Com. had ruled out evidence; and (Mr. O'Donohoe's) to re-commit B. for further evidence.—M. to re-commit opposed, and Report in favour of B. supported, 449, 450-1.

On M. (Mr. Clemow) to restore Report to Order paper; his proposal to include Minority Report supported, 518.

**REESOR, Hon. David**—*Continued.*

Electric Light Inspection B. (118).

In Com. of the W.—On cl. 3: a ques., measure of electric light, 743.

Fisheries Act Amt. B. (145).

In Com. of the W.—On cl. 5: branding of lobster cases, Amt. suggested, "package containing cans," 708.

On sub-cl. 10: on re-packing lobster cases, &c.; branding by Inspector unnecessary, proprietor's name and year sufficient, 711, 712.

On sub-cl. 12: that packer, not Inspector, should be responsible for certifying the packages, 714; further, with remarks on failure of apple inspection law, 715.

Again in Com.—On Amt. (Mr. Clemow), sawdust-throwing, prohibition of, exemptions precluded: sawdust ashes as manure, 735; further, Mr. Dever corrected, 735.

On cl. 9: on Mr. Power's objection to cl., making each fish a separate offence, a remark, 737.

Hudson Bay Ry. construction B. (BB).

On M. (Mr. Boulton) for 2nd R.—Ques., names of provisional directors, 468; price of shingles, no competition, 473; C. P. R. bonuses, &c., 475.

Insolvency Act, 1894; B. (C).

In Com. of the W.—*M.* that Com. rise and report progress, 513.

Again in Com.—On M. (Mr. Bowell) for new 3rd cl., Act to apply only to traders as defined: remarks on millers, 589, 590.

On M. (Mr. Bowell) for 3rd R., and Amt. (Mr. Power) to change cl. 35 from ½ to ⅔: the Amt. opposed, 607.

Inspection, General, Act, Amt.; Hay inspection, provision for; B. (125).

In Com. of the W.—Remarks on packing, and shippers' risks, 492; demand in England, 495; grade for English market, 496; ques. to Mr. McCallum, date of packing, 496.

Lobster packing. *See* "Fisheries Act Amt. B."

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": the B. opposed, 576.

N. W. T. Game preservation B. (Z).

In Com. of the W.—On Mr. Bernier's suggestion to strike out cl. 19 (burden of proof on the accused), 358.

N. W. T. Representation Act Amt.; ballot voting; B. (5).

On M. (Mr. Angers) for 2nd R.: Remarks on the vote by ballot, 464.

Sawdust in rivers. *See* "Fisheries Act Amt. B."

Sunday observance B. *See* "Lord's day."

Voters who have taken bribes, disfranchisement B. (6).

On M. (Mr. Dickey) for 2nd R.—Ques. as to punishment of the briber, 499. On Mr. Scott's reply: no further objection, 499.

**REID, Hon. James (Cariboo).**

Cariboo Ry. Co. Incorp. B. (60).

Introduced *, 426.
2nd R. *m.* and B. explained, 481.
3rd R. *m.* *, 521.

Internal Economy Com., appointment of.

M. (Mr. McInnes, B.C.), to substitute Mr. Reid's name on the Com., 98.

**ROBITAILLE, Hon. Théodore.**

Fisheries Act Amt. B. (145).

In Com. of the W.—On sub-cl. 10: lobster packing, on branding with proprietor's name, date also suggested, 712.

France, Treaty with, ratification B. (147).

On M. (Mr. Angers) for 2nd R.—Comment on Mr. Scott's speech: wine consumption in Canada, 765.

Inspection, General, Act, Amt.; Hay inspection; B. (125).

In Com. of the W.—Remark on definition of good colour for hay, 489.

Ladies of the Sacred Heart of Jesus Act Amt. B. (43).

Introduced*. 321.
2nd R. *m.*, 333.
3rd R. *m.*, 384.

**ROSS, Hon. John Jones (the Speaker).**

Fisheries Act Amt. B. (145).

In Com. of the W.—On sub-cl. 10: in debate on re-packing cases of canned lobsters, after stamping by Inspector: that Govt. are duly informed of wants of the business, 713; on Mr. Kaulbach's reply, 713.

France, the late President Carnot.

Invitation of Senate to funeral, announced, 635.

Library Committee Report.

Presented: memorial of first steamship that crossed Atlantic, purchase of books, 309.

Rulings and Remarks on Order and Procedure.

*Bill out of Order.*—Ruling: B. introduced by Mr. Boulton, for construction of Hudson Bay Ry. as a public work, is out of order, 272.

*Com. Report, mode of adopting.*—On discussion as to M. for adoption of the Report, or M. to carry out its recommendation: that the former is the usage, 497.

*Com. Report, mode of amending.*—On Mr. Power's ques. of Order, upon Amt. (Mr. McInnes, B.C.) to M. for adoption of Internal Economy Com. Report, adding a par. thereto, increasing Postmaster's salary: that the Report should be referred back to Com., with instructions to make the increase, 654.

*Motion allowed to stand.*—M. (Mr. Bernier) for papers respecting N. W. T. Schools having been carried, it is proposed his M. *re* Man. Schools should stand till to-morrow, 197.

**ROSS, Hon. J. J. (Speaker)**—*Continued.*

Rulings and Remarks—*Continued.*

*Motion, not on Order paper.*—On ques. of Order (Mr. Bellerose) in resumed debate on Dillon Divorce case, that M. (Mr. O'Donohoe) to re-commit Report does not appear on Order paper: that such Ms. do not come into Speaker's hands; that this M. was to have been reduced to writing and put into officials' hands, 433.

**SANFORD, Hon. William E.**

Insolvency Act, 1894; B. (C).

In Com. of the W.—On ques. raised in Mr. Dickey's speech, who wants the B.; necessity of one law for all Provinces, 507.

Youthful Offenders, separate trial, punishment, &c.; B. (Y).

In Com. of the W.—On 4th cl., sub-cl. *b*: that binding child out until 21 is too long, 349.

**SCOTT, Hon. Richard William.**

Abbott, the Hon. Sir J. Caldwell.

Remarks on the death of, 5.

Aberdeen, His Ex. the Earl of.

Remarks of welcome, in debate on the Address, 16.

Address in answrr to Speech from the Throne.

On M. (Mr. Ferguson, P.E.I.) for.—Compliments to mover and seconder, 15; welcome to His Ex. the Earl of Aberdeen, 16; appointment of Gov. Gen. and Imperial promotions, 16. Date of calling Parlt., 16; volume of trade, not due to fiscal policy, 16, 17; P.E.I. trade and census, 17, 18; taxation, sugar, 18; U.S. depression due to protection, 19; proposed tariff revision, 20; Behring Sea award and regulations, 21; proposed insolvency law, 21; increased ocean communication, 21, 22; trade with Australia and question of colonial federation, 22.

On Mr. Bowell's speech: trade with Australia, 29; acreage sown, 36; interested motives of Democratic senators, 34; manufacturers' dividends, 35; sugar duties, 35.

On Mr. Angers's: disloyal sentiments (Mr. Royal) 66; and others, 66.

On Mr. Boulton's: Canadian statesmen as arbitrators, 70.

Address of congratulation to the Queen.

On birth of a son to the Duke of York: *seconded*, 726.

Adjournments, Senate. *See* "Senate."

Atlantic, Steam Communication. *See:*

"Ocean steam communication, increased."

Australia, Trade with.

Remarks in debate on the Address, 22. On Mr. Bowell's speech, 29.

Ballot in N.W.T. *See* "N.W.T."

**SCOTT, Hon. R. W.**—*Continued.*

Bank Act, Enforcement of.

That old and filthy notes should be more promptly withdrawn from circulation, 860.

Beet-sugar Bounties.

Remarks on 2nd R. of Iron bounties B., 867.

Behring Sea Award and Regulations.

In debate on the Address, 21; comment on Mr. Boulton's speech, 70.

Boiler Insurance B. *See* "Steam Boiler."

Botsford, the Hon. Amos E.

Remarks on the death of, 25.

Boyd, the Hon. John.

Remarks on the death of, 5.

Bribed Voters, disfranchisement B. *See* "Voters."

Brit. Columbia, Interest. *See* "Interest Act Amt. B."

Can. Pacific Ry. and N.W. Settlement.

Reply to Mr. Power, in Com. on Ry. land subsidies B.: that Co. are making every effort to settle the country, 863.

Cattle-carrying combine.

Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B.; shipping at Halifax suggested, 354.

Chaffers, the late Hon. Senator.

Remarks on the death of, 744.

Combinations in restraint of Trade. *See* "Trade."

Companies, Joint Stock, Incorp., B. *See* "Joint Stock."

Consolidated Revenue and Audit Act. *See* "Revenue."

Consumers' Cordage Co.; preference stock issue; B. (31).

On M. (Mr. Ogilvie) for 2nd R.: a remark, combines in U.S., 484.

Criminal Law, administration of. *See:*

"Montreal Harbour Commissrs. Act" (prevention of crime).

"Ont., Houses of Refuge for Females, B."

"Youthful Offenders B."

Currency, filthy. *See* "Dom. Notes Act."

Customs duties Acts Amd. and consolid. B. (135).

On M. (Mr. Bowell) for 2nd R.—That B. imposes taxation for benefit of few privileged individuals; comments on sugar duties, &c., 874-5. On Mr. Bowell's remark upon Mr. Boulton's speech: U.S. export of gold, 878; that financial condition of U.S. is being destroyed by its policy, 878.

——— *See also* "Tariff and Trade" generally.

Customs Seizures. *See* "Revenue and Audit Act."

**SCOTT, Hon. R. W.**—*Continued.*

Deck-load law, Amt. B. (G.); six-feet deck-loads to W.I. permitted, &c.

In Com. of the W.—On title of B.: whether B. does not depart from principle of English deck-load law, 282.

Dillon, James St. G., Divorce B. (T).

On Report of Com. in favour of B., and Minority Report (Mr. Kaulbach) objecting that Com. ruled out questions and excluded evidence. On Mr. Kaulbach's ques.: both Reports are before the House, 368. On the constitutional ques., that the B.N.A. Act does not contemplate divorces for Roman Catholics, that this B. repeals the Civil Code of L. Canada; divorces in France; divorces in Canada increasing; the divorce question at Confederation; that each case should be judged on its merits; and on the merits of the present case, 384-5-6-7-8-9, 390-1-2-3. Comments: on Mr. Ogilvie's speech: no law, only power, to grant divorce, 394. On Mr. McInnes's (B.C.): words wrongly quoted, 395; previous divorce cases, not R.C., 395; ques. in Com., not irrelevant, 396; further on the evidence, 397; on the facts, 398. On Mr. Read's (Quinté): votes in previous cases, 399; changing religion, 400; divorce for Father Chiniquy, 401. On Mr. Power's: evidence before judges, 410. On Mr. Boulton's: no divorce law, simply jurisdiction, 419; explanations, reference to ecclesiastical law as superior to Parlt., only implied Quebec, 421. To Mr. Kirchhoffer: granting divorces, ques. of public policy, 423

On M. (Mr. O'Donohoe) to re-commit Report for further evidence. Comment on Mr. Vidal's speech: interpretation of silence, 445. On Mr. Bellerose's: presumption of collusion, 448. On Mr. Reesor's: British practice, 450; case not singled out because R.C., 451. On life of wife's father in Paris, 459; reply to Mr. Almon, proof thereof, 459.

On M. (Mr. Clemow) for further consideration of Com. Report: remark on procedure, 515; 3 months' "hoist" *m.*, 519; further remarks on procedure, 520.

On M. (Mr. Clemow) for adoption of Com. Report, and Amt. (Mr. Bellerose) to re-commit and strike out re-marriage cl. of B.: ques. of petitioner agreeing thereto, 616; his father agreeing thereto, 616; value of statements made by Senators, 617; ques. of interests of public morality, 617; further, 617, 618.

Disfranchisement of Bribed Voters' B. *See* "Voters."

Divorce Case. *See* "Dillon."

Dominion Lands (Territories) B. *See* "Land in Terries."

Dominion Notes Act Amt. B. (165).

In Com. of the W.—That effect is, Govt. may borrow five millions without security, 859. That old and filthy notes should be more promptly withdrawn, 860.

**SCOTT, Hon. R. W.**—*Continued.*

Duties, Customs, Act. *See* "Customs."

Election by Ballot in N.W.T. *See* "N.W.T."

Electric Light Inspection B. (118).

On M. (Mr. Angers) for 2nd R.—Attention called to introduction of important Bs. at end of session; legislation of session reviewed, and Govt. action criticised, 693-4. Comment on Mr. Angers's reply, 694; further, 694.

In Com. of the W.—On cl. 3: to Mr. Power, definition of measure of light, 743.

Farmers, no Bounties to.

Remarks on 2nd R. of Iron Bounties B., 867.

Federation, Colonial.

Remarks in debate on the Address, 22.

Female Reformatories. *See* "Ont., Houses of Refuge."

Fiscal Policy. *See* "Tariff and Trade."

Fisheries Act Amt. B. (145).

In Com. of the W.—On Amt. (Mr. Clemow), sawdust in rivers, prohibition, exemptions precluded: the Amt. supported, 731, 732.

On cl. 9: on Amt. (Mr. Power) to strike out the cl.: remarks on arbitrary powers given to Fishery overseers, 739.

On Amt. (Mr. Angers) to modify sub-sect. 7, that each fish may not be a separate offence: reply to Mr. Clemow: buying a fish an offence, 740.

Fishery, Seal. *See* "Behring Sea."

Flint, the late Hon. Senator.

Remarks on the decease of, 564.

France, Treaty with, ratification B. (147).

On Inqy. (Mr. Boulton) whether intercolonial preferences will not be precluded, and his speech thereon.—On Mr. Boulton's speech: a remark, 667. Mr. Angers's strictures objected to; not unusual to refer to Bs. not yet before House; Inqy. was in order, 673.

On M. (Mr. Angers) for 2nd R.—On the treaty-making power; ratification of treaties not obligatory; on most-favoured-nation cl.; on details of the Treaty; extent of trade with France; French wines and their adulteration; other items; prohibitionists' objections to Treaty; Mr. Boulton's proposed Amt., to defer ratification, approved, 761-2-3-4-5-6.

In Com. of the W.—Australian grievance against the Treaty, 824; possible grievance in France, 824.

Glasier, the late Hon. Senator.

Remarks on the death of, 680.

Governor-General and Imperial promotions.

Remarks in debate on the Address, 16.

Great Britain, Privy Council, Com. *See* "Privy Council."

**SCOTT, Hon. R. W.**—*Continued.*

Insolvency Act, 1894; B. (C).

Remarks in debate on the Address, 21.
On (M. (Mr. Bowell) for 1st R.—Ques., date of printing, 97; on Imperial Privy Council decision on Provincial Insolvency Acts, 97.
On M. (Mr. Bowell) for 2nd R.—On principle of B., 229-232; on Privy Council decision on Provincial legislation, 246, 247.
In Com. of the W.—On Amt. (Mr. McKindsey) that B. shall apply to traders only: with that limitation, B. supported, 509.
Again in Com.—On M. (Mr. Bowell) for new 3rd cl., B. to apply only to traders as defined: on ques. of Mr. MacInnes as to ranching farmers, 588; further on same, 588; on Mr. Bowell's remarks, on classification of millers, 588.
On cl. 35: on Amt. (Mr. Miller) to change from $\frac{2}{3}$ to $\frac{1}{2}$, and Amt. (Mr. McKindsey), $\frac{1}{3}$: high rate advocated, 600.
On cl. 61: on the ranking of banks, 600; reply to Mr. Clemow thereon, 601; to Mr. Vidal, 601.
On M. (Mr. Bowell) for 3rd R.—Amt. *m.* to cl. 35, leaving it to creditors to fix rate, 611. On Mr. McCallum's ques. of procedure: that practice is being followed, 612.

Insurance Act further Amt.; B. (V).

On M. (Mr. Angers) for 2nd R.—A ques., 292; comments, 292, 293. On the principle and details of the B., 294-5-6. Some observations explained, 298. On Mr. Angers's further speech: comments, 298; a ques., 298.
In Com. of the W.—On Mr. Vidal's suggestion to add cl., relieving Cos. from penalties, whose reports are signed by secretary, 329; reply to Mr. Angers thereon, 329.
Definition suggested: actual office premium, 330; reply to Mr. Poirier thereon, 330; to Mr. Angers, cl. taken from Ont. statutes, 330. Ques. as to Provincial legislation, 330; further, 330.
Coms. Amts.—On M. (Mr. Angers) for concurrence, and Amt. (Mr. MacInnes, Burlington) for non-concurrence in 27th Amt., to insert cl. *d* in the B., restricting investments authorized for Cos.: the subject reviewed, and Amt. supported, 828-9. Reply to Mr. Bowell's remark, 833; comments on his speech, 837.

——— *See also* "Steam Boiler and Plate Glass Insurance B."

Interest Act Amt.; judgment debts in B.C., rate, &c., B. (129).

On M. (Mr. Bowell) for 2nd R.—That Provincial procedure should not be interfered with, and the B. would be *ultra vires*, 636.

Iron and Steel bounties B. (170).

On M. (Mr. Bowell) for 2nd R.—Too late in session to discuss B.; no bounties to farmers; remarks on beet-sugar bounties, 867.

Irrigation B. *See* "N.W.T."

**SCOTT, Hon. R. W.**—*Continued.*

Joint Stock Cos., Incorp., new Regulations; B. (EE).

On M. (Mr. Bowell) for 2nd R.—Ques., paid up capital, 523; fees, 523; B. generally approved, 523.
In Com. of the W.—On cl. 5, and Mr. Power's remarks as to capital necessary: Cos. under Provincial law, 582.
On cl. 50: ques., difference from existing Act, 582.
On cl. 81: on Mr. Power's remarks as to process serving: local legislation, 582; further on legal procedure, 582; further, 582.
On cl. 93: on Mr. Power's ques. as to inspection of existing Cos., 582; further on same point, 583.

Justice, administration of. *See:*

"Fisheries Act Amt." (penalties).
"Interest Act Amt B." (judgments, B.C.)
"Land in Terries. B." (administration of estates).
"Montreal Harbour Commissrs. B." (prevention of theft, &c.).
"Ont., Houses of Refuge for Females, B."
"Youthful Offenders, B."

Juvenile Offenders, B. *See* "Youthful Offenders."

Land in Territories Act consolid. B. (HH).

In Com. of the W.—On cl. 5: devise of land, Ont. law explained, 676.
On cl. 89: that time for administration of estate should be limited, 677.
On cl. 94: on cause for delay required in registering transfers, 678.

Law, administration of. *See* "Justice."

Legislation, Govt., late in session.

Criticism of Govt. action, on 2nd R. of Electric Light Inspection B., 693. On Mr. Angers's reply, 694; further, 694.

Lighthouses, Buoys, &c., and Sable Island Act Amt.; power of Min. of M. and F. in minor appts., and making contracts; B. (B).
On M. (Mr. Bowell) for 2nd R., and Mr. Kaulbach's objection that contract-making powers cannot originate with Senate: pointed out that it does not change present law, 89.

Lord's day better observance B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) for six months' "hoist": the B. supported, 568-9.

Man. and N.W.T. Schools question.

On M. (Mr. Bernier), for ordinances, Orders in Council, &c.—Ques., Dr. Morrison, 108. On the M., and the constitutional and historical points involved, 112, 119, 122-3-4, 133-4. Comments on Mr. Lougheed's speech, 146, 147, 148, 152, 153, 154. On Mr. Angers's, 167. On Mr. Power's, 175, 176. On Mr. Ferguson's (P.E.I.), 181, 182, 186, 187. On Mr. Bowell's, 190, 191, 193, 194, 195, 196.

Manufacturing industries. *See* "Tariff and Trade."

**SCOTT, Hon. R. W.**—*Continued.*

Marine and Fisheries Dept., powers of.

On M. (Mr. Bowell) for 2nd R. of Lighthouses Act Amt., and Mr. Kaulbach's objection that cl. giving contract-making powers cannot originate with Senate; pointed out that cl. does not alter present law, 89.

Montgomery, the Hon. Donald.

Remarks on the death of, 5.

Montreal Harbour Commissrs. Act consolid. B. (8).

In Com. of the W.—On cl. 26, powers of Commissioners: maintenance of order, &c., 318.

Montreal Island Belt Line Ry. B. (59).

On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) restricting elevated Ry., in city, to passenger traffic: the Amt. opposed, 626.

Mounted Police Act. *See* "N.W. M. Police."

Nanaimo and Esquimalt Ry. B., Senate rejection of.

Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B., 353.

New Brunswick Schools—*referred to on:*
"Man. and N. W. T. Schools question."

N. W. M. Police Act consolid. B. (121).

In Com. of the W.—On cl. 5: ques., no. of Vet. Surgeons, 647. Further on this point, experience during Liberal administration, 648.

N. W., settlement of.

That C. P. R. Co. are making every effort: reply to Mr. Power, in Com. on Ry. land subsidies B., 863.

N. W. T. and Man. Schools question.

On M. (Mr. Bernier) for ordinances, Orders in Council, &c.—Ques., Dr. Morrison, 108. On the M. and the constitutional and historical points involved, 112, 119, 122-3-4, 133-4. Comments on Mr. Lougheed's speech, 146, 147, 148, 152, 153, 154. On Mr. Angers's, 167. On Mr. Power's, 175, 176. On Mr. Ferguson's (P.E.I.), 181, 186, 187. On Mr. Bowell's, 190, 191, 193, 194, 195, 196.

N. W. T. Irrigation B. (134).

In Com. of the W.—On possibility of danger to private rights, 681.

On cl. 4: that cultivable marsh land is not covered by the B., as supposed, 682.

On cl. 8: works already constructed without authority, 685; future applications, precedence of, 685.

N. W. T., Lands. *See* "Land in Terries. B."

N. W. T. Representation Act Amt.; ballot voting; B. (5).

In Com. of the W.—On cl. 6: that sect. 28 of Dominion Elections Act should also be included, 486.

Notes, filthy, &c. *See* "Dom. Notes Act."

Ocean Steam communication, increased.

Remarks in debate on the Address, 21, 22. *See also* the following Bill:

**SCOTT, Hon. R. W.**—*Continued.*

Ocean Steamship subsidies; fast Atlantic line; B. (161).

On M. (Mr. Angers) for 2nd R.—The policy criticised; injury to Allan and Dominion lines, difficulty to fast line from fogs, subsidizing Co. not yet formed, &c., 802-3-4.

Ont., Houses of Refuge for Females; B. (II).

In Com. of the W.—Ques. whether B. same as Ont. Act, 645.

Ont. Separate Schools question—*referred to on:*

"Man. and N.W.T. Schools question."

Order and Procedure, questions of.

*Bill, cls. provided for in general Acts.*—On ques. of the necessity of cl. in Montreal Harbour Commissrs. B., as being provided for in Criminal Code, 318.

*Bill, provisions precluded by another B.*—On 2nd R. of Steam Boiler and Plate Glass Insurance Co.'s B: pointed out that new Insurance B. (Govt.) precludes life being associated with other insurance, 289.

*Bill, 3rd R., Amt. m.*—On Mr. McCallum's objection to Amt. to 3rd R. of Insolvency B., that M. should be to re-commit: that practice of House is followed, and that it has been agreed Amts. should be put at 3rd R., 612.

*Bills.—See also* "Provincial legislation"; *also* "Senate" (below).

*Com. Report, restoration to Orders.*—See the debate on procedure, and M. for 3 months' "hoist," in Dillon Divorce case, 515, 519, 520.

*Constitutional points.—See* "Provincial legislation" and "Senate." *See also* the debate on "Man. and N.W.T. Schools question;" *also* "Dillon Divorce B." *Also* "Interest Act Amt. B. *(ultra vires).*

*Contract-making powers.*—On Mr. Kaulbach's objection to cl. in Lighthouses Act Amt. B., that contract-making powers cannot originate with Senate; pointed out that cl. does not alter present law, 89.

*Divorce procedure.—See* the debate on "Dillon, James St. G., Divorce B." (above).

*Govt. legislation, late in session.*—Criticism on Govt. action, on 2nd R. of Electric Light Inspection B., 693. On Mr. Angers's reply, 694; further, 694.

*Provincial legislation.*—On 2nd R. of Insolvency B.: remarks on effect of Imperial Privy Council decision, 246-7; on the same point, in debate on the Speaker of the Senate B., 260.

*Senate adjournments.*—Held that M. is unnecessary, for adjt. over a statutory holiday, 311.

*Senate, Speaker (temporary) B.*—On the constitutional points involved in this B., 259, 260.

*Treaty-making and ratifying powers.*—Remarks on French Treaty ratification B., 761-2.

**SCOTT, Hon. R. W.**—*Continued.*

Parliament, date of calling.
Remarks in debate on the Address, 16.

Prince Edwd. Isld. Schools—*referred to on:*
"Man. and N.W.T. Schools question."

Prince Edwd. Isld., Trade and Census.
In debate on the Address, 17, 18.

Privy Council, Imperial, reference to.
Suggestion (in debate on Man. Schools ques.) that Supreme Ct. decisions should be final, 134.

Protection. *See* "Tariff and Trade matters."

Queen, Address of congratulation to the.
On birth of son to Duke of York: *seconded*, 726.

Railway Subsidies (Land) B. (168).
In Com. of the W.—Reply to Mr. Power: C.P.R. Co. using every effort to settle the N.W., 863.

Reformatories. *See* "Ont., Houses of Refuge"; *also* "Youthful Offenders, B."

Revenue and Audit Act Amt. B. (127).
On M. (Mr. Bowell) for 2nd R.—A ques., limit of time for actions against officials, 637.

Rivers, Sawdust. *See* "Fisheries Act. Amt. B."

Roman Catholic Schools question. *See:*
"Man. and N.W.T. Schools."

Royal, Hon. Mr., pamphlet of.
Comment on Mr. Angers's speech, in debate on the Address, 66.

Sable Isld. Act. *See* "Lighthouses and Sable Isld."

Sawdust in rivers. *See* "Fisheries Act Amt. B."

Schools, Separate, question. *See:*
"Man. and N.W.T. Schools."

Seal Fishery. *See* "Behring Sea."

Senate adjournment.
(Ascension Day.)—On Mr. Angers's M., Mr. Kaulbach's objection without notice, &c.: held that a motion is unnecessary, it being a statutory holiday, 311.

Senate, Govt. Bs. late in session.
Criticism of Govt. action, on 2nd R. of Electric Light Inspection B., 693. On Mr. Angers's reply, 694; further, 694.

Senate, Govt. Bs. rejected by.
Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R. of Trade Combines B.: Nanaimo and Esquimalt Ry. B., 353.

Senate, Speaker's absence, provision for; B. (Q).
On M. (Mr. Angers) for 2nd R.—On B. of last session, and on constitutional points involved, 257, 259, 260.

**SCOTT, Hon. R. W.**—*Continued.*

Senators, deceased.
(Abbott, Sir John; Boyd and Montgomery, Hon. Messrs.): Remarks on the death of, 15.
(Botsford, Hon. Mr.): Remarks on death of, 25.
(Flint, Hon. Mr.): Remarks on death of, 564.
(Chaffers, Hon. Mr.): Remarks on death of, 744.
(Glasier, Hon. Mr.): Remarks on death of, 680.

Session, date of calling.
Remarks in debate on the Address, 16.

Ships, Safety of, Act, Amt. B.; six-feet deck-loads to W. I., &c., permitted; (G).
In Com. of the W.—On title of B.: whether B. is not departure from principle of English deck-load law, 282.

Speaker of Senate, B. *See* "Senate."

Steam Boiler and Plate Glass Co. Incorp. Act Amt.; insurance extended to engineers and firemen; B. (35).
On M. (Mr. Power) for 2nd R.—Pointed out that new Insurance B. (Govt.) precludes life being associated with other insurance, 289.

Steamship communication. *See:*
"Ocean steam communication, increased."

Subsidies, Railway, B. *See* "Railway."

——— Steamship, B. *See* "Steamship."

Sugar bounties and duties.
Beet-sugar bounties: remarks on 2nd R. of Iron bounties B., 867.
Sugar duties: remarks on 2nd R. of new Tariff B., 873–4.

Sunday observance B. *See* "Lord's day."

Tariff and Trade matters.
In debate on the Address.—Volume of trade, not due to fiscal policy, 16, 17; P.E.I. trade, 17, 18; taxation, sugar, 18; U.S. depression due to protection, 19; proposed tariff revision, 20; trade with Australia, 22. On Mr. Bowell's speech: trade with Australia, 29; manufacturers' dividends, 35; sugar duties, 35.
*See also* "Iron and Steel bounties B.," debate.
*Also* "Customs duties Act" (new tariff) debate.
*And* "France, Treaty with, ratification B."

Taxation. *See* "Tariff and Trade" (above).

Territories, Land in, B. *See* "Land."

Trade, combinations in restraint of, Act, Amt. B. (AA).
Comment on remarks of Mr. Read (Quinté) in *m.* 2nd R.: Senate interference with Govt. Bs., Nanaimo and Esquimalt Ry. B., 353; cattle shipment at Montreal, Halifax suggested, 354.
On M. (Mr. Read) for 3rd R.—On Mr. Almon's contention that medical tariffs will be affected, 460.
Remark in debate on "Consumers' Cordage Co.'s B.": combines also in U.S., 486.

**SCOTT, Hon. R. W.**—*Continued.*

TREATY MAKING AND RATIFYING. *See* debate on "France, Treaty with, ratification B."

U.S., BEHRING SEA AWARD AND REGULATIONS.

In debate on the Address, 21; comment on Mr. Boulton's speech, 70.

U.S., TRADE MATTERS.

In debate on the Address.—Depression, due to protection, 19; interested motives of Democratic Senators, 34.

In debate on 2nd R. of new Tariff B.: U. S. export of gold, 878; that financial condition of U.S. is being destroyed by its policy, 878.

VOTERS WHO HAVE TAKEN BRIBES, DISFRANCHISEMENT, B. (6).

On M. (Mr. Dickey) for 2nd R.—Comment on Mr. Almon's speech: the Conservative party, 498. On Mr. Reesor's: punishment of briber is provided for, 499.

WINES, FRENCH. *See* "France, Treaty with, B."

YORK, THE DUKE OF, BIRTH OF A SON.

Address of congratulation to the Queen, *seconded*, 726.

YOUTHFUL OFFENDERS; ARREST, TRIAL AND IMPRISONMENT; B. (Y).

On M. (Mr. Allan) for 2nd R.; a ques., 303.

**SMITH, Hon. Sir Frank, K.C.M.G.**

ADDRESS IN ANSWER TO SPEECH FROM THE THRONE.

On M. (Mr. Ferguson, P.E.I.) for.—On Mr. Power's speech: manufacturers' influence with Ministers, 44; use for coarse grains, 45; cost of Mr. Power's remarks, 47.

On Mr. McInnes's (B.C.): counterfeit silver production, 60.

ATLANTIC FAST LINE. *See* "Ocean Steamship Subsidies B."

CANADIAN PACIFIC RY. CONSTRUCTION.

Remarks on 2nd R. of Ocean Steamship Subsidies B., 816.

COUNTERFEIT SILVER PRODUCTION.

In debate on the Address: comment on Mr. Power's speech, 60.

DILLON, JAS. ST. G., DIVORCE B. (T).

On M. (Mr. Clemow) to restore Com. Report to Order paper, and debate thereon; the M. supported; ques. of religious persuasion should not be entertained, 517.

FISHERIES ACT AMT. B. (145).

In Com. of the W.—On sub-cl. 10: on necessity for preventing cases (lobsters) being repacked, after branding by Inspector, 711, 712, 713.

On sub-cl. 12: on Inspector employing a man to oversee packing, 715; the packer interested not the right man to brand, 715.

On Amt. (Mr. Clemow), sawdust in rivers, prohibition, exemptions precluded: postponement of matter till next session urged, 724. Further on same Amt.: ques., potash from pine ashes, 735.

**SMITH, Hon. Sir Frank**—*Continued.*

FRANCE, TREATY WITH, RATIFICATION, B. (147).

On M. (Mr. Angers) for 2nd R.—Comments on Mr. Scott's speech: wine, 763; nuts, 765; vote under Scott Act, 766; Liberal party and prohibition, 766; Scott Act in P.E.I., 766. On Mr. Boulton's speech, and Mr. Dever's remark thereon: the Treaty last year, 769; wines from other countries than France, 771. On Mr. Power's: Govt. attitude towards plenipotentiary, 791. On Mr. McCallum's: National Policy not discarded, 796.

HAY, INSPECTION OF. *See* "Inspection, General, Act, Amt."

INSOLVENCY ACT, 1894; B. (C.)

Appointment to Special Com. *m.* (Mr. Bowell), 273.

In Com. of the W.—On M. (Mr. McKindsey) that B. shall apply to traders only, and be so amd.: "trader" disapproved, "debtor" advocated, 509; on Mr. Dickey's speech: same point, 510.

Amt. (Mr. Miller) that B. shall not apply to farmers, opposed, 511; definition "debtor" advocated, 511.

On Mr. McCallum's remarks, on farmers paying 66c.: that it will be reduced to 50c., 512.

On Amt. (Mr. Miller) to reduce $\frac{2}{3}$ payment by insolvent to $\frac{1}{2}$, and Amt. (Mr. McKindsey), $\frac{1}{3}$: Mr. Miller's Amt. supported, 594.

On cl. 61: in debate, that banks should rank to full amount, 601, 602.

INSPECTION, GENERAL, ACT, AMT.; HAY INSPECTION; B. (125).

In Com. of the W.—On ques. of good colour, 489, 495; that the B. is not compulsory, and will cure itself, 491.

INSURANCE ACT FURTHER AMT. B. (V).

Commons Amts.—On M. (Mr. Angers) for adoption, Amt. (Mr. MacInnes, Burlington), for non concurrence in 27th Amt., to insert cl. *d* in the B., restricting investments allowable for Cos.: regret that modified Amt. has not been proposed by Minister, or matter allowed to stand for another year, 833, 834. Precedent quoted, for disagreement between Cabinet Ministers, 838.

LOBSTER PACKING AND BRANDING. *See* "Fisheries Act Amt. B."

LORD'S DAY, BETTER OBSERVANCE, B. (2).

On M. (Mr. Allan) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": the Amt. supported, 572. Comment on Mr. Prowse's speech: that principle should not be forced, 573.

MONTREAL HARBOUR COMMISSRS. ACTS CONSOLID. B. (S).

In Com. of the W.—On cl. 16, salaries: Mr. Power's objections to Commissrs' power to fix their own salaries, replied to, 315.

**SMITH, Hon. Sir Frank**—*Continued.*

OCEAN STEAMSHIP SUBSIDIES; FAST ATLANTIC LINE; B. (161).

On M. (Mr. Angers) for 2nd R.—In reply to Mr. Power: Govt. position explained, their negotiations; the Opposition and the C.P.R. construction, &c., 816.

ORDER AND PROCEDURE, QUESTIONS OF.

*Cabinet Ministers disagreeing.*—*See* debate on "Insurance Act Amt. B." (above).

*Divorce procedure.*—*See* "Dillon" case (above).

SAWDUST IN RIVERS. *See* "Fisheries Act Amt. B."

SUNDAY OBSERVANCE B. *See* "Lord's day."

TARIFF AND TRADE MATTERS.

In debate on the Address: comments on Mr. Power's speech, 44.

**SNOWBALL, Hon. Jabez B.**

CANADIAN PACIFIC RY. LAND SUBSIDY B. (159). Reported from Com. of W., without Amt., 854.

DECK-LOAD LAW, EVASION OF. *See* following debate:

FRANCE, TREATY WITH, RATIFICATION B. (147).

On M. (Mr. Angers) for 3rd R.—On Mr. Tassé's speech: misleading statements in statistics explained, evasion of deck-load law, competition in freight rates, 847. Further on the same point, 847.

INLAND REVENUE ACT AMT. B. (158).

Reported from Com. of the W., with Amt., 854.

OCEAN STEAMSHIP SUBSIDIES; ATLANTIC FAST LINE; B. (161).

On M. (Mr. Angers) for 2nd R.—Need of caution impressed on Govt.; difficulties of a fast service and northern route, &c., 817–18–19–20.

**SPEAKER, The.**

*See* "Ross, Hon. J. J."

**SULLIVAN, Hon. Michael.**

COAL OIL, FLASH TEST. *See* "Petroleum Inspection Act."

CONTINGT. ACCTS. COM.—*See* "Internal Economy."

ELECTRIC LIGHT INSPECTION B. (118).

In Com. of the W.—On cl. 5: on proposals to increase and to lessen the variation, that B. should not be mutilated, 743.

Again in Com.—On cl. 3: on Amt. (Mr. Drummond), that consumer may have pressure tested by Inspector, a ques., 747.

On cl. 37: on Mr. Clemow's objection that cl. is too vague, that Order in Council can fix standard, 747.

FRANCE, TREATY WITH, RATIFICATION B. (147).

On M. (Mr. Angers) for 2nd R.—Ques., difference in French and native wines, 756.

**SULLIVAN, Hon. Michael**—*Continued.*

FRAUDULENT SALE OR MARKING, RESTRAINT OF, B. (123).

On M. (Mr. Angers) for 2nd R.—On Mr. Angers's promise of a separate B. against artificial honey: a ques. thereon, 699.

HONEY, ARTIFICIAL. *See* "Fraudulent sale, &c.," B.

INSOLVENCY ACT, 1894; B. (C).

On M. (Mr. Bowell) for 2nd R.—Ques. whether, when Com. reports, B. will be taken up, cl. by cl., in the House, 248.

INTEREST ACT AMT. B. (129).

Reported from Com. of the W., without Amt., 660.

INTERNAL ECONOMY COM., 3RD REPORT.

On M. (Mr. McKay) for adoption.—On reduction of messengers: a ques., no. permanent, 650; number sessional, 650.

JUDGES OF PROVINCIAL COURTS ACT AMT. B. (155).

Reported from Com. of the W., without Amt., 704.

PETROLEUM INSPECTION ACT AMT B. (122).

On M. (Mr. Angers) for 2nd R.—Lowering of the flash test approved, 690.

In Com. of the W.—On cl. 1: reply to Mr. Power's objection to lowering the flash test; laws of other countries compared, 700, 701.

**SUTHERLAND, Hon. John.**

N. W. T. GAME PRESERVATION B. (Z).

In Com. of the W.—On cl. 8: that Indians will not kill animals when not prime, 338; reply to Mr. Masson: Indians must live, 338.

WINNIPEG AND GT. NORTHERN RY. CO.'S B. (22). Introduced*, 347.

2nd R. *m.*, 363. Replies to Mr. Kaulbach: about 50 miles to complete to R. Saskatchewan, 363; period for completion, 363.

3rd R. *m.**, 384.

WINNIPEG AND HUDSON BAY RY. CO., name changed, &c.—*See* the above B.

**TASSÉ, Hon. Joseph.**

FRANCE, TREATY WITH, RATIFICATION B. (147).

On M. (Mr. Angers) for 2nd R.—Comments on his speech, 757–8–9. On Mr. Scott's, 763, 766.

On Amt. (Mr. Boulton), to return Treaty for further negotiations. Comment on Mr. Drummond's speech, 785; further, 785; further, 785.

On M. (Mr. Angers) for 3rd R.—The subject reviewed, and reasons for supporting the Treaty given, 840, 842–3; 843–4–5–6–7–8–9, 850–1–2.

MONTREAL ISLD. BELT LINE RY. CO.'S B. (59).

(1st R. *m.* by Mr. Bellerose*, 513.)

2nd R. *m.*, 565.

Concurrence *m.* in Amts. of Ry. Com., 619.

**TASSÉ, Hon. Joseph**—*Continued.*

Montreal Belt Line Ry. Co.—*Continued.*

Amt. (Mr. Drummond) that dates for completion shall apply to whole undertaking, accepted, 619.

3rd R. *m.*, 621.

On Amt. (Mr. Power) restricting elevated line to passenger traffic in city: on Mr. Vidal's speech: ques. of *bona fides* of Co., 623.

**VIDAL, Hon. Alexander.**

Bills, procedure, &c. *See:*

"Order and Procedure" (below).

Children, punishment of. *See* "Youthful Offenders, B."

Civil Service Acts Amt. B. (154).

Reported from Com. of the W., without Amt.*, 702.

Coal Oil, flash test. *See* "Petroloum Inspection B."

Companies, Joint Stock, new Regns. *See* "Joint Stock."

Consumers' Cordage Co.; preference shares issue; B. (31).

On M. (Mr. Ogilvie) for 2nd R.—On Mr. Boulton bringing up free trade ques. in this connection, 485; on Mr. Power's remarks, protection of shareholders, 485.

Deck-load Law. *See* "Ships, safety of, Act."

Dillon, James St. G., Divorce B. (T).

On Com. Report in favour of B., and Minority Report (Mr. Kaulbach).—Held that question of parties being R. C. underlies the Minority Report, and should not be considered, 377-8; that, in absence of any plea from respondent, of petitioner's adultery, Com. should not seek such evidence, 378.

Comment on Mr. Power's speech: presumption not proof, 404.

On M. (Mr. O'Donohoe) to re-commit the B. for further evidence: the question reviewed, 444-5-6.

On M. (Mr. Clemow) to restore Report to Order paper: needless discussion deprecated, 518.

Dominion W.C.T.U. Incorp. B. (56).

Introduced*, 308.

2nd R. *m.* and B. explained, 332.

3rd R. *m.**, 384.

Erie and Hudson Ry. Co.'s B. (81).

3rd R. *m.* (in absence of Mr. McKindsey)*, 580.

Evidence, Parliamentary Witnesses. *See* "Parliamentary."

Harbours Act Amt. B. (A).

Reported from Com. of the Whole without Amt.*, 88.

Indian Act Amt. B. (CC).

In Com. of the W.—On cl. 1, subsection 8 (disposition of children's part of the estate), and Mr. Macdonald's (B.C.) ques. as to dividing land: the Indian's interest, 362.

**VIDAL, Hon. Alexander**—*Continued.*

Indian Act Amt.—*Continued.*

On cl. 2: harshness of provision, to punish (for trespassing on reserve) without notice, 362.

Insolvency Act, 1894; B. (C).

On M. (Mr. Bowell) for 2nd R.—On the proposed procedure, reference to a special Com., &c., 245; on principle of the B., 246.

In Com. of the W.—On cl. 61: in debate, on banks ranking, a ques., 601.

Inspection of Petroleum B. *See* "Petroleum."

Insurance Act Amt. B. (V).

In Com. of the W.—On 5th cl.: Amt. *m.*, where two chief agents, each to keep documents for his district, 328.

Addl. cl. suggested, to relieve companies from penalties for reports signed by secretary, 328; to Mr. Angers, where no complaint has been made, 329; further, 329.

Progress reported from Com., 331.

Reported from Com., with Amts., 333.

Irrigation B. *See* "N.W.T."

Joint Stock Cos., Incorp. &c.; new Regns.; B. (EE).

Reported from Com. of the W., with Amts., 585.

Juvenile Offenders. *See* "Youthful Offenders, B."

Land in Territories Act consolid. B. (HH).

In Com. of the W.—On cl. 5: on devise not being complete until transfer by executor, 675.

Lindsay, Bobcaygeon, &c., Ry. Co.'s B. (29).

On M. (Mr. Dobson) for 3rd R., on same day as reported from Ry. Com.: that this is in violation of rules, 277.

Lord's Day, better observance, B. (2).

On M. (Mr. Clemow) for 2nd R., and Amt. (Mr. Almon) six months' "hoist": the B. supported, 578, 579.

Masters' and Mates' certificates Act Amt. B. (130).

In Com. of the W.—On 8th cl.: in debate, on increased fees, that Govt. can reduce, 677.

Moncton and P. E. I. Ry. and Ferry Co. Acts Amt. B. (I).

On M. (Mr. Poirier) for 2nd R.—Ques., why cl. forfeiting charter if work is not done, has been omitted from this Amt. Act, 254–5.

Montreal Harbour Commissrs. Acts consolid. B. (S).

In Com. of the W.—On cl. 25: on Mr. De Boucherville's remarks as to interference with Quebec statutes, 317; further, 317.

Progress reported from Com., 320.

Reported from Com. of the W., with Amts., 331.

**VIDAL, Hon. Alexander**—*Continued.*

Montreal Island Belt Line Ry. B. (59).

On M. (Mr. Tassé) for 3rd R., and Amt. (Mr. Power) restricting elevated line, in city, to passenger traffic : the Amt. supported, with remarks on *bona fides* of Co., &c., 621–2–3–4. Comment on Mr. Desjardins's speech, 625 ; further, 625.

N. W. Terries., Game preservation B. (Z).

Reported from Com. of the W., with an Amt., 364.

N. W. T. Irrigation B. (134).

In Com. of the W.—On sect. 8 : on ques. of persons who already have licenses, 684 ; that cls. 7 and 8 relate to two distinct cases, 685 ; on persons who, without authority, have already constructed works, 685.

N.W.T. Lands. *See* "Land in Terries. B."

Oaths, Parly. Witnesses, B. *See* "Parliamentary."

Order and Procedure, questions of.

*Bill, 3rd R., same day reported.*—On M. (Mr. Dobson) for 3rd R. of Lindsay, Bobcaygeon, &c., B., same day as reported from Ry. Com. : pointed out that this is in direct violation of Rules, 277.

*Bills, private, extension of time for Petitions.*—On Mr. Bowell's statement that Govt. has no objection : that Commons have refused extension, 155. On Standing Orders Com.'s recommendation that time for reporting be extended to end of session : the recommendation advocated, 283, 285.

*Commons Amts., partial concurrence.*—On Mr. Lougheed's M. for concurrence in Commons Amts. to Trust Corporation B., except 2nd and 4th : that two distinct motions are necessary, 630.

*Debate, relevancy of.*—On Mr. Boulton bringing up the free trade ques., on B. authorizing the Cordage Co. to issue preference shares, 485.

*Debate, unnecessary.*—Needless discussion on Dillon Divorce procedure, deprecated, 518.

*Divorce procedure.*—See also debate on "Dillon Divorce B." (above).

Parliamentary Witnesses Oaths Act, 1894 ; B. (90).

In Com. of the W.—On Mr. Power's suggested verbal Amt. ; clearer form offered, 365.

Petroleum Inspection Act Amt. B. (122).

On M. (Mr. Angers) for 2nd R.—Comment on Mr. Power's remarks as to danger in lowering flash test standard, 689.

Pictou Harbour, N.S., Act Amt. B. (F).

Reported from Com. of W., without Amt., 252.

P. E. I. tunnel scheme, Sir D. Fox's report.

On M. (Mr. Ferguson, P.E.I.) for correspondence on this and kindred points.—That Printing Com. would probably order printing of this Report, 545 ; further, 545.

**VIDAL, Hon. Alexander**—*Continued.*

Private Bills, irregularities, &c. *See* "Order and Procedure."

St. Clair and Erie Ship Canal Co. Incorp. B. (21).

Introduced*, 347.

2nd R. *m.* and B. explained, 363. Reply to Mr. Kaulbach : all in Canadian territory, 363.

Amt. of Ry. Com. (provisions of Ry. Act to apply to branch Rys. in connection) : concurrence *m.*, 365.

3rd R. *m.**, 384.

Senate, Speaker, temporary, provision for ; B. (Q).

In Com. of the W.—On 2nd cl. : that word "unavoidable" should be struck out, 266.

Ships, Masters' and Mates' certificates. *See* "Masters, &c."

Ships, safety of, Act, Amt. ; six-feet deckloads permitted to W. I., &c. ; B. (G).

Reported from Com. of the W., with Amts., 282.

Sunday observance B. *See* "Lord's day."

Territories, land in, B. *See* "Land."

Trust Corporation of Canada Incorp. B. (D).

On Commons Amts.—On M. (Mr. Lougheed) for concurrence, except 2nd and 4th : that two distinct motions are required, 630.

Unorganized Terries. Game preservation. *See* "N. W. T."

W. C. T. U. Incorp. B. *See* "Dominion W. C. T. U."

Youthful Offenders, separate trial, punishment, &c. ; B. (Y).

In Com. of the W.—On 2nd cl. : on Mr. Power's suggestion, to obviate putting up separate buildings ; substitution of word "with" for "used for" suggested, 349.

**WARK, Hon. David.**

Botsford, the Hon. Amos E.

Remarks on the death of, 27.

Glasier, the Hon. John.

Remarks on the death of, 680.

Harbours, public ; power of Govt. to create, extend limits, &c. ; B. (U).

On M. (Mr. Bowell) for 2nd R.—Utility of B., to prevent ballast-throwing in harbours, 276.

Insolvency Act, 1894 ; B. (C).

On M. (Mr. Bowell) for 2nd R.—Advisability of adjourning debate suggested, 247.

# II.—INDEX TO SUBJECTS.


ABBOTSFORD STATION, C. P. R., TO CHILLIWACK, RY., SUBSIDY. *See:*

"Railways, subsidies to, B."

ABERDEEN, HIS EX. THE EARL OF.

Cordial reception in Canada.—Remarks in Speech from the Throne, 3.

Expressions of welcome.—In Address in reply, 6. In *m.* the Address (Mr. Ferguson, P.E.I.), 7-8; in *seconding* it (Mr. Casgrain), 14-15. In speeches: Mr. Angers, 62; Mr. Boulton, 69; Mr. Bowell, 23; Mr. Power, 40; Mr. Scott, 16.

**ADDRESS in answer to His Excellency's Speech.**

M. (Mr. Bowell) for consideration of Speech on 19th March; agreed to*, 4.

M. (Mr. Ferguson, P.E.I.) for Address (welcome to His Ex., increase in volume of trade, commerce with G. B., Canada free from depression, revenue ample, Behring Sea arbitration and redress to Canadians, tariff revision, new insolvency measure, increased Atlantic and Pacific communication, Dominion lands, Indian affairs, Joint Stock Cos., Fisheries and other measures promised), 6-7. Remarks on death of Hon. Senator Montgomery, 7; compliments to the Earl of Derby, 7; to His Ex. the Earl of Aberdeen, 7-8; increased volume of trade with G. B. and U. S., 8-9; the tariff, 9-10; commercial depression and Canada's banking system, 10; public works and taxation, 10-11; Canada at the Chicago Exhibition, 11; Canadian made agricultural implements, 11-12; unfair awards at Exhibition, 12; Behring Sea award, 13; improved ocean communication. 13; Dominion land laws and increased immigration, 13; future of Manitoba and the North-west, 13-14; of the Dominion at large, 14.

Seconded (Mr. Casgrain), 14; compliments to His Ex. the Earl of Aberdeen, 14-15; prosperity of the Dominion, bank reports, increased ocean communication, work of the Session, 15.

*Debate—names alphabetically:*

(Mr. Angers), on Mr. McInnes's (B.C.) speech: ballot for N.W.T., 54. On the Address: compliments to mover and seconder, 61-2; to His Ex. the Earl of Aberdeen, 62; Behring Sea award, 62-4; P.E.I., state of trade, &c., 64; Canada and the U.S. depression, exports to England, &c., 65-6; annexation spirit and Quebec loyalty, 66; increased ocean communication and St. Lawrence navigation, 66-7. On Mr. Boulton's speech: ques., 77. On Mr. Macdonald's (B.C.): increased ocean communication, 83.

(Mr. Bernier), on the proposed insolvency law, 84-6.

(Mr. Boulton), on Mr. Bowell's speech: England an open market, 30; consumers paying the duties, 35; coal-oil duties, 45. On Mr. Kaulbach's speech: manufacturers' losses due to confined markets, 50. On Mr. McInnes's (B.C.): reading an editorial on Behring Sea, 56; free trade a more important question, 56. On Mr. Angers's: Behring Sea close season, 63; P.E.I. exodus, not to N.W.T., 64; England a free trade market, 66. On the Address: death of Sir John Abbott and Messrs. Boyd, Montgomery and Botsford, and value of Senate, 69; compliments to mover and

**ADDRESS**—*Continued.*

seconder of Address, 69; to Lord Stanley and to Lord and Lady Aberdeen, 69; Behring Sea award and destruction of the buffalo, 69, 70; international arbitration, principle of, 70; prairie chicken protection, 63, 70; exploring expeditions, Labrador and Hudson Bay, 70; Chicago Exhibition and the Manitoba building, 71; the tariff and free trade questions, Canadian exports, &c., 71-2-3-4; coal oil production and duties, 74-5-6-7-8; agricultural implements, manufacture and export, 78-9; free trade, 79, 80, 81; the paper industry, 81.

(Mr. Bowell), on Mr. Scott's speech: personal remarks, and compliments to mover and seconder of Address, 23; on eulogies to past and present Governors General, 23; on such appointments and Imperial promotions, 23; date of calling Parlt., 23; U.S. and Canadian fiscal policies, 23-4; volume of trade, 24-5, 27; farming and lumber industries, 28; agricultural implements and protection, 28-9; trade with Australia and the U.S., 28-9; with England, 30; P.E.I. dairying, 30; animal exports, 30; other exports and the fiscal policy, 31-2-3; past deficits and taxation, 33, 34; cotton and sugar industries, 35; protection advocated, 36-7; Behring Sea award, 37; visit to Australia, 37; increased ocean communication, 38-9. Comments on Mr. Power's speech: coal oil duty, 44; Mr. Huddart and the Australian line, 46-7. On Mr. McInnes's (B.C.): U.S. and Canadian tariffs and excise collections, 61. On Mr. Boulton's: drawback on manufacturers' materials, U.S. and Canada, 79; U.S. paper export to England, 81.

(Mr. Dever), on Mr. McInnes's (B.C.) speech: English tariff, 61; customs and excise duties, 61. On Mr. Angers's: protection in the U.S., 65.

(Mr. Dickey), on Mr. Power's speech: trade with G.B., change in values, 40.

(Mr. Kaulbach), on speeches of Messrs. Power and Scott, and on the Address: proposed insolvency law, 47; increased ocean communication, 47, 48; Behring Sea award, 48-9; manufacturers' conferences with Ministers, 50; P.E.I., volume of trade, 50; cotton and sugar industries, 50; trade, &c., in 1873-78, and since, 51; present prosperity, 51-2; Canadian statesmen in Imperial matters, 53; tariff revision, 53; Australian delegations and steamship service, 53; Dominion Lands Act and immigration, 53.

(Mr. McInnes, B.C.), on the Address: Ballot for N.W.T., 54; Behring Sea award and regulations, 54-5-6-7-8-9; Canadian interests sacrificed in Imperial negotiations, 58-9; U.S. depression under protection, 59, 60; tea duties, 59; U.S. silver bill, 59, 60; U.S. and Canadian tariff revision, 60, 61; Canadian and English excise revenue, 61. On Mr. Angers's speech: Behring Sea regulations, 63.

(Mr. McKay), on Mr. McInnes's (B.C.) speech: Behring Sea regulations and Capt. Cox's statements, 57.

(Mr. Macdonald, B.C.), on Mr. Power's speech: Behring Sea regulations, 43; increased ocean communication, 46. On Mr. Kaulbach's: on the same point, 47. On Mr. Angers's: Behring Sea

ADDRESS—*Continued.*

regulations, 64; P.E.I. meat in B.C., 64; the U. S. depression and their tariff, 65. On Mr. Boulton's: Canadian and U.S. paper export, 81. On the Address: Behring Sea award and regulations, 81-2-3; the Washington treaty and its results, 82; increased ocean communication, 83.

(Mr. Power), on Mr. Bowell's speech: deficits since 1878, 33, 34; proposed tariff changes, 39; patriotism of Liberals, 40. On the Address: compliment to the mover, 40; the late Senator Haythorne, 40; the seconder, 40; His Ex. the Earl of Aberdeen, 40; volume of trade, 40, 41; depression in the U.S. and in the Maritime Provinces and Toronto, 41; Behring Sea award and regulations, 41-2-3; tariff revision, 44-45; proposed insolvency law, 45; increased ocean communication, 45, 46, 47.

(Mr. Primrose), on Mr. Power's speech: increased ocean communication, 83. On the Speech from the Throne: stability and permanence of Canadian progress, 84.

(Mr. Scott), compliments to mover and seconder, 15; welcome to His Ex. the Earl of Aberdeen, 16; appointment of Gov. Gen. and Imperial promotions, 16; date of calling Parlt., 16; volume of trade not due to fiscal policy, 16, 17; P.E.I. trade and census, 17, 18; taxation, sugar, 18; U.S. depression, due to protection, 19; proposed tariff revision, 20; Behring Sea award and regulations, 21; proposed insolvency law, 21; increased ocean communication, 21, 22; trade with Australia and question of Colonial federation, 22. On Mr. Bowell's speech: trade with Australia, 29; acreage sown, 30; interested motives of Democratic Senators, 34; manufacturers' dividends, 35; sugar duties, 35. On Mr. Angers's speech: disloyal sentiments, Mr. Royal, 66; and others, 66. On Mr. Boulton's: Canadian statesmen as arbitrators, 70.

(Mr. Smith), on Mr. Power's speech: manufacturers' influence with Ministers, 44; use for coarse grains, 45; cost of Mr. Power's remarks, 47. On Mr. McInnes's (B.C.) speech: counterfeit silver production, 60.

M. for the Address agreed to, 86.

**Address to Her Majesty the Queen.**

Congratulations on birth of son to Duke of York. Inqy. (Mr. Read, Quinté) as to intention to pass Address, 692; reply (Mr. Angers) it is the intention, 693.

M. (Mr. Angers) for joint Address of Parlt., to H. M., 725; seconded (Mr. Scott) and agreed to, 726.

ADJOURNMENTS. *See* "Senate, adjournments."

ADULTERATION, RESTRAINT OF, B. *See:*
"Fraudulent sale or marking, B."

AGRICULTURAL INDUSTRIES, PROTECTION TO, &C.
Remarks on 2nd R. of Iron and Steel bounties B.: Messrs. Power, Scott, Bowell, 867.
*See also* "Tariff and Trade matters" (generally)."

ALBERTA, IRRIGATION PRIVILEGES. *See:*
"Fish Creek, Irrigation privileges, B."

**Alberta Southern Ry. Co. Incorp. B. (101).**—*Mr. Power.*

1st R.*, 499.
2nd R. (*m.* by M. Perley)*, 580.
3rd R. (*m.* by Mr. MacInnes, Burlington)*, 619.
Assent, 883.
(57-58 *Vic., cap.* 61.)

ALBERTA TRUST AND GUARANTEE CO. *See:*
"Trust Corporation of Canada."

ALLIANCE OF REFORMED BAPTIST CHURCH. *See:*
"Reformed Baptist Church Incorp. B."

ALLOWANCES, RETIRING. *See* "Pensions."

ANNEXATION SENTIMENTS. *See* "U.S."

APPROPRIATION ACT. *See* "Supply Bill."

ARBITRATION AND TREATIES, AND CANADIAN STATESMEN THEREIN.
Remarks in debate on the Address: Mr. Boulton, 70; Mr. Kaulbach, 53; Mr. McInnes (B.C.), 58-9; Mr. Macdonald (B.C.), 82; Mr. Scott, 70.

ASSENT TO BILLS, 882-4.

**Atlantic and L. Superior Ry. Co., agreements ratified: Baie des Chaleurs Ry., Great Eastern Ry., Ottawa Valley Ry., and Montreal Bridge Co.; B. (73).**—*Mr. Ogilvie.*

1st R.*, 687.
2nd R.*, 981.
B. reported from Com. (Mr. Allan) with an Amt., 692; *m.* (Mr. Ogilvie) that Amt. be concurred in, 692; M. agreed to, 692.
3rd R.*, 692.
Assent, 884.
(57-58 *Vic., cap.* 63.)

ATLANTIC AND L. SUPERIOR RY. CO., LEASING POWER, &C. *See:*
"Montreal Isld. Belt Line Ry. Co.'s B."

**Atlantic and N.W. Ry. Co.; time for construction extended; agreement for leasing, &c., C. P. R. Co.; B. (30).**—*Mr. MacInnes, Burlington.*

Introduced*, 276.
2nd R., *m.* (Mr. MacInnes), B. explained, 286. M. agreed to and B. read the 2nd time, 286.
B. reported from Com., with Amt., which concurred in, 309; remarks: Messrs, Dickey, MacInnes (Burlington), 309.
3rd R.*, 321.
Assent, 882.
(57-58 *Vic., cap.* 62.)

ATLANTIC, FIRST STEAMSHIP ACROSS, COMMEMORATION:
M. (Mr. Allan) for adoption of Library Com. Report, recommending plate, 309; remarks on adoption of Report, pending its going through Commons: Messrs, DeBoucherville, Kaulbach, Allan, 309; M. agreed to, 309.

M. (Mr. Allan) for adoption of 2nd Report of Library Com., with further remarks on "Royal William" plate, 521; M. agreed to, 522.

ATLANTIC STEAMSHIP SERVICES. *See* debates on:
"France, Treaty with, ratification B."
"Ocean steam communication" (Atlantic fast line).

AUSTRALIA, TRADE WITH, &C. *See* debates on:
"France, Treaty with, ratification B."
"Intercolonial Conference."
"Ocean Steamship communication."
"Tariff and Trade matters."

BAIE DES CHALEURS RY. CO., AGREEMENT IN:
"Atlantic and Lake Superior Ry. Co.'s B."
"Métis, Matane and Gaspé Ry. Co. Incorp. B."

Balfour, James, Divorce case.
His petition for return of exhibits (in his case of last session), read, 285.
M. (Mr. Lougheed) for its reference to Divorce Com., 285; M. agreed to, 286.

Ballot (Dominion Elections), New form of. *See* Dominion Elections Act Amt. B."

Ballot for the N.W.T.:
Remarks in debate on the Address: Mr. McInnes (B.C.), 54; Mr. Angers, 54.
*See* further: N.W.T. Representation Act Amt. B."

Banking and Commerce Committee:
Adoption of cl. of Report of Com. of Selection, nominating, *m.* (Mr. Bowell) and agreed to*, 98.

Banking System and Reports, Canadian:
Remarks, in *m.* the Address, in reply to Speech from Throne (Mr. Ferguson, P.E.I.), 10. In seconding the Address (Mr. Casgrain), 15.

Banks, filthy Currency issue.
Attention called to the matter, in Com. on Dominion Notes Act Amt. B. (Mr. Scott), 860; reply, attention of Depts. will be called to it (Mr. Bowell), 860.

Baptist, Reformed, Church, Alliance. *See* "Reformed Baptist Church Alliance Incorp. B."

Barwick, Walter, Petition of.
Manitoba and North-western Railway Co.'s B. Presented (Mr. Read, Quinté), 224; remarks on procedure (Mr. Miller), 225; *m.* (Mr. Read, Quinté), that Petition be referred to the Com. on Standing Orders, 225; M. agreed to, 225; *m.* (Mr. Read, Quinté) that the Petition be re-read, 225; (Mr. Miller), that it could not be done, the only course open being to refer it to the Com. on Standing Orders, 225.

Beet Sugar Bounties—*referred to on:*
"Iron and Steel bounties B."

Behring Sea Award and Regulations.
In Speech from the Throne, 3.
In *m.* the Address in reply (Mr. Ferguson, P.E I.), 13.
In the debate: Mr. Angers, 62-64; Mr. Boulton, 56, 69, 70; Mr. Bowell, 37; Mr. Kaulbach, 48-9; Mr. McInnes (B.C.), 54-5-6-7-8-9, 63; Mr. McKay, 57; Mr. Macdonald (B.C.), 43, 64, 81-2-3; Mr. Power, 41-2-3; Mr. Scott, 21.
Inqy. (Mr. McInnes, B.C.), as to truth of report of Inqy. in Imperial H. of Commons, compensation not asked for, 154; reply promised (Mr. Bowell), 155.
Further Inqy. (Mr. McInnes), 199; reply (Mr. Bowell) no compensation claimed under present Imperial B.; past claims not affected, 199.
Explanation (Mr. Bowell) of a cablegram, remarks in Imperial Parlt. on above Inqy. and reply in Senate. Comment on unsafety of dealing with cablegrams filtered through U.S., 226.

**Bell Telephone Co.; may issue bonds up to 75 per cent of paid up stock; B. (34).**—*Mr. McMillan.*
Introduced*, 276.
2nd R. *m.* (Mr. McMillan), B. explained, 286; M. agreed to, 286.
3rd R.*, 321.
Assent, 882.
(57-58 *Vic., cap.* 108.)

Bills assented to, 882-4.

Bills, French translation of. *See* "French translation."

Bills, Govt., introduced and amd. in Senate, 1867-93.
List given by Mr. Read (Quinté), in *m.* 2nd R. of Trade Combines B., 351.

Bills of Exchange Act Amt. (Labour Day). *See:* "Holidays, law, Amt. B."

Bills, Printing of. *See* "Printing."

Bills, Private, amd. in Senate, 1867-93.
Numbers given by Mr. Read (Quinté), in *m.* 2nd R. of Trade Combines B., 353.

Bills, Private, extension of time, &c.
Extension of time for Petitions till 5th April.—M. (Mr. Bowell), 68; agreed to, 68.
2nd Report of Standing Orders Com. presented (Mr. Macdonald, B.C.), that time for Petitions has expired, 134.
Remarks: Govt. has no objection to extension (Mr. Bowell), 155; comments thereon: Messrs. Power, Vidal, 155; extension not desirable, Commons having refused (Mr. Bowell), 155.
Petition presented (Mr. Read, Quinté), Cobourg, Northd, &c., Ry. Co., for passing of an Act, 225. Time having expired, another course pointed out (Mr. Miller): if presented in Commons, and it comes here after 1st R., it can be referred to Standing Orders Com. as a Petition, 225.
Petitions, Notice of advt. wanting.—13th Report of Standing Orders Com. presented (Mr. Macdonald, B.C.). Remarks: Messrs. Miller, Macdonald, Allan; object of Report to place it on Journal as a warning, 264.—M. (Mr. Lougheed) to refer Report back, agreed to, 264.
Reporting, extension of time till end of session for. 15th Report presented (Mr. Macdonald, B.C.) with remarks, 277; Mr. Miller, 277.
15th Report, as above, adoption *m.* (Mr. Macdonald, B.C.), 282. Debate on Rules and practice in this matter: Mr. Kaulbach 282; Messrs. Macdonald (B.C.), Kaulbach, Vidal, Bowell, McKay, 283; Messrs. Lougheed, Allan, Macdonald (B.C.), Bowell, 284; Messrs. Macdonald (B.C.), Bowell, Vidal, Power, 285; M. agreed to, 285.
19th Report, Standing Orders Com. (that leave to petition be granted, in case of N. S. Steel Co. Incorp. B.) presented (Mr. Macdonald, B.C.), 496.—M. (Mr. Miller) that Rules be suspended, as regards said B., 497.—Discussion on procedure: Mr. Dickey, Mr. Miller, the Speaker, 497. M. (Mr. Macdonald, B.C.) that the Report be adopted; further remarks (Mr. Miller) and latter M. agreed to, 497.

Bills, Questions of Procedure with. *See:* "Order and Procedure."

**BILLS—Seriatim:**

(—) An Act relating to Railways.—(*Mr. Bowell.*) Introduced*, 4.

(A) An Act to amend the Harbour Masters' Act.—(*Mr. Bowell.*)
Introduced and 1st R. *m.* (Mr. Bowell), Bill explained, 86; M. agreed to, 86.
2nd R. *m.* (Mr. Bowell) and agreed to, 87.
In Com. of the W. and reported (Mr. Vidal) without Amt.*, 89.
3rd R.*, 90.
Assent, 882.
(57-58 *Vict., cap.* 50.)

BILLS—*Continued.*

(B) An Act to amend the Act respecting Lighthouses, Buoys and Beacons, and Sable Island. —(*Mr. Bowell.*)
Introduced and 1st R. *m.* (Mr. Bowell), Bill explained, 86; M. agreed to, 86.
2nd R. *m.* (Mr. Bowell), 88; remarks: Messrs. Kaulbach, Scott, Bowell, Miller, 89; M. agreed to, 89.
In Com. of the W.—Remarks: Messrs. Power, Bowell, 90; reported (Mr. Ferguson, Niagara), with an Amt., which concurred in, 90.
3rd R.*, 98.
Assent, 882.
(57-58 *Vict., cap.* 41.)

(C) An Act respecting Insolvency.—(*Mr. Bowell.*)
Introduced and 1st R *m.* (Mr. Bowell), and Bill explained, 90-97; remarks: Messrs. Scott, Bowell, Lougheed, Gowan, 97; M. agreed to, 97; *m.* (Mr. Bowell) that 2,500 copies be printed for distribution, 134; M. agreed to, 134.
Notice of M. for Select Com. read; remarks: Mr. Bowell; the notice was dropped, 225.
Notice of M. (Mr. Bowell) for Select Com., 227.
2nd R. *m.* (Mr. Bowell), 229; debate: Mr. Scott, 229-232; Mr. Dickey, 232-234; Messrs. McClelan, Dickey, Bowell and Gowan, 234; Mr. Power, 235; Mr. Gowan, 235-236; Mr. Power, 236-237; Messrs. McCallum, Power and Lougheed, 237; Mr. Power, 238; Mr. Lougheed, 238-239; Mr. McClelan, 239-240; Mr. Kaulbach, 240-241; Mr. McCallum, 241-242; Mr. MacInnes (Burlington), 242; Mr. Clemow, 242-244; Messrs. Ferguson, Macdonald (P.E.I.), 244; Messrs. Vidal, McKindsey, 245; Mr. Vidal, 245-246; Messrs. Kaulbach, Scott, 246; Messrs. Dickey, Scott, O'Donohoe and Wark, 247; Mr. Bowell, 247-248; Messrs. McCallum, Sullivan and Bowell, 248; Messrs. Dickey, Bowell, Ferguson (Niagara), 249; M. agreed to, 249.
Remarks on procedure: Messrs. Power, Bowell, 249.
M. (Mr. Bowell) for reference to a Select Com. of 25, 249; remarks on nature of Com.: Messrs. McKindsey, Bowell, 249; M. agreed to, 249.
Com. on Insolvency, M. (Mr. Bowell) for addition of Mr. Smith to the Select Com., and that Com. have power to send for papers, 273; M. agreed to, 273.
M. (Mr. Angers) for printing of 1,000 copies in French, 308; M. agreed to, 308.
In Com. of the W., on cl. 2, subsection (*a*), remarks: Mr. McKindsey, 499-500, that cl. includes every person that owed a debt of $250, and Amt. that the word "trader" be substituted for the word "debtor," 500; Mr. Macdonald (P.E.I.), 500; Messrs. McKindsey, Power, Miller, McCallum, 501; Messrs. Bowell, McKindsey, 502; Messrs. McCallum, O'Donohoe, Kaulbach, Bowell, Miller, 503; Mr. Dickey, 504; Messrs. McKindsey, Dickey, McCallum, Bowell, 505; Messrs. Dickey, Bowell, McKindsey, Kaulbach, Prowse, 506; Messrs. Dever, Sanford, Power, 507; Messrs. McKay, Clemow, McKindsey, 508; and Amt. *m.* (Mr. McKindsey), 508; Messrs. Miller, McKindsey, McCallum, Scott, Sir Frank Smith, Dickey, 509; Messrs. Smith, Bowell, Miller, 510; Messrs. Power, Miller, Smith, Kaulbach, McCallum, 511; Messrs. Smith, McCallum, and Amts. withd'n, Messrs. McKindsey, Miller, 512; Amt. *m.*, B. not to apply to others than traders, (Mr. Power), 512; Mr. Ferguson, 512; Messrs. Power, Ferguson, Reesor, 513; M. agreed to, 513; Mr. Reed, from Com., reported progress and asked leave to sit again, 513.
In Com. of the W., resumed, 550; remarks: Mr. Bowell, 550; Mr. Dickey, 551; after recess: Messrs. McKindsey, Power, withdrawing Amts., 552; cl. 2 adopted, 552.
On 3rd cl., Amt. *m.* (Mr. McKindsey), to substitute new cl., dividing debtors into two classes, with regns. as to receiving orders in each class, 552-3; remarks: Messrs. Miller, McKindsey, Dever, Dickey, 553; Messrs. MacInnes (Burlington), Dickey, DeBoucherville, Bellerose, 554; Messrs. Kaulbach, McKindsey, 555; Messrs. Kaulbach, McKindsey, McCallum, McClelan, Power, 556; and Amt., (Mr. Power), B. not to apply to others than traders, 556-7; Mr. O'Donohoe, 557; Messrs. Bowell, Dickey, Bernier, 558; Mr. Prowse, 559; Messrs. Dever, Prowse, 560; Messrs. Perley, Power, 561; Mr. Bellerose, 562; Division on the Amt. to the Amt., 562: (C. 23, N. C. 16.) Remarks: Mr. Bowell, 562. Cl. allowed to stand, 562.
On 6th cl., subsection (*a*), Messrs. McKindsey, Bowell, Power, 562; cl. adopted, 562.
On cl. 35, Amts., Messrs. McKindsey, MacInnes (Burlington), 563; Messrs. Bowell, Macdonald, 563; cl. allowed to stand, 563; *m.* (Mr. Bowell) that Com. report progress and ask leave to sit again, 563; M. agreed to, 563. Mr. Read, from Com., reported progress and asked leave to sit again to-morrow, 563.
H. resumed in Com. of the W., 579; remarks: Messrs. Bowell, Miller, 579; Messrs. Dickey, Bowell, 580; Mr. Read, from Com., reported progress and asked leave to sit again on Tuesday next, 580.
M. (Mr. Bowell) that H. resolve itself in Com. of the W., 586; remarks on principle of the B.: Mr. Dickey, 586-7; M. agreed to, 587.
In Com. of the W., remarks: and M. (Mr. Bowell), that 3rd cl. be struck out and the following substituted: "this Act applies only to traders, &c," 588; Messrs. MacInnes (Burlington), Power, Scott, Kaulbach, McCallum, Ferguson (P.E.I.), 588; Messrs. Angers, Power, McCallum, Reesor, 589; Messrs. Macdonald (B.C.), Reesor, Kaulbach, 590; Amt. adopted, 590.
On 12th cl., Amt. *m.* (Mr. Bowell) for new 12th cl., 590; Amt. adopted, 590.
On 35th cl., Messrs. Bowell, Miller, 590; and Amt. *m.* (Mr. Miller) to substitute one-half for two-thirds, 591; Messrs. Primrose, Power, Miller, 591; Messrs. McKindsey, McCallum, 592; Messrs. McCallum, Miller, Ferguson (P.E.I.), 593; Messrs. Miller, Ferguson (P.E.I.), McKindsey, Clemow, Kaulbach, Sir Frank Smith, 594; Mr. Dever, 595; Messrs. Macdonald (P.E.I.), MacInnes (Burlington), 596; Messrs. McInnes, Miller, Ferguson (Welland), 597; Messrs. Bowell, Ferguson, MacInnes, 598; Messrs. Scott, McKindsey, 600; Division on the Amt., which adopted (C. 19, N.-C. 18), 600; Mr. Scott, 600; Messrs. Clemow, Scott, Vidal, Drummond, Power, McCallum, Sir Frank Smith, 601; Messrs. McCallum, Kaulbach, Bellerose, Sir Frank Smith, 602; and Amt. *m.* (Mr. Bellerose) that cl. 61 be struck out and cl. 62 of B. as originally introduced substituted, 603; Division on the Amt., which rejected (C. 11, N.-C. 19), 603.
B. reported (Mr. Read) from Com. with Amts., 603; concurrence *m.* (Mr. Bowell), 603; re-

BILLS—*Continued.*

marks: Messrs. Power, Bowell, 603; M. agreed to, 603.
3rd R. *m.* (Mr. Bowell) 604; Amt. *m.* (Mr. Power) that ⅔ be substituted for ½ in 15th line of 35th section, 604; Mr. Kaulbach, 605; Messrs. Ferguson (Welland), MacInnes, Clemow, 606; Messrs. Macdonald (P.E.I.), Reesor, 607; Division on the Amt., which rejected (C. 23, N.-C. 26), 608; Further, Mr. Power, 608; Messrs. Macdonald (B.C.), Power, Miller, Drummond, 609; Messrs. McCallum, Kaulbach, Allan, 610; Messrs. McCallum, Scott, Power, 611. Amt. *m.* (Mr. Scott) to substitute, for wording in 42nd and 43rd lines of sec. 35, "proposition agreed upon in deed of composition," 611; remarks: Mr. Dever, 611; Messrs. McCallum, Scott, 612; Division on Amt., which rejected (C. 9, N.-C. 36), 613; M. for 3rd R. carried on a division, 613.

(D) An Act to incorporate the General Trust Corporation of Canada.—(*Mr. Lougheed.*)

2nd R. *m.* (Mr. Lougheed), 155; remarks: Mr. Allan, respecting change of name, 156; Mr. Lougheed, 156; M. agreed to, 156.
B. reported from Banking Com. (Mr. Allan) with Amts., which explained; change of name of Co.; the trust defined, &c., 250; M. (Mr. Lougheed) for consideration of report to-morrow, 251; agreed to, 251.
Report of Banking Com.: adoption *m.* (Mr. Lougheed) 265; remarks: Messrs. Power, Allan, Lougheed, 265; Mr. Bowell, 266; M. agreed to, 266.
3rd R. *m.* (Mr. Lougheed) 273; Amt. *m.* (Mr. Power) change of name of Co., 273; remarks: Mr. Lougheed, 273; Messrs. Allan, Power, 274; the Amt. withdrawn by Mr. Power, and the B. 3rd R., 274.
M. (Mr. Allan) that consideration of Commons Amts. be postponed, 521; M. agreed to, 521.
Concurrence in Amts. of H. of C. *m.* (Mr. Lougheed), 627; remarks: Mr. Power, 627; Mr. Lougheed, 628. Order discharged till to-morrow.
On Order for consideration of Amts. of H. of C., M. (Mr. Lougheed) for concurrence in Amts., except 2nd and 4th, 630; remarks: Messrs. Lougheed, Vidal, Miller, Power, 630; Messrs. Lougheed, Miller, DeBoucherville, Power, Bowell, 631. Order discharged till to-morrow, 631.
M. (Mr. Lougheed) that Amts. of H. of C. be concurred in excepting Nos. 2 and 4, 634; remarks: Messrs. Lougheed, Miller, 634; M. agreed to, 634; Amt. *m.* (Mr. Lougheed) that House do not concur in Amts. Nos. 2 and 4, giving reasons, 635. M. agreed to, 635.
M. (Mr. Lougheed) that Amts. Nos. 2 and 4 be now concurred in, 644; remarks: Mr. Power, 644; M. agreed to, 645.
Assent, 882.
(57-58 *Vict.*, *cap.* 115.)

(E) An Act for the relief of Caroline Jane Downey.—(*Mr. Clemow.*)

1st Report of Divorce Com., presented (Mr. Gowan), reporting service sufficient, 111; adoption *m.* 112; postponement suggested (Mr. Power), 112; consideration to-morrow *m.* (Mr. Gowan) and agreed to, 112.
2nd R.*, 274.
On order for consideration of 10th Report of Com.; remarks: (Mr. Gowan), evidence not yet printed; M. for postponement of consideration, 289; M. agreed to, 289.

BILLS—*Continued.*

Adoption of Report *m.* (Mr. Gowan), 308; remarks: (Mr. Gowan), that evidence is sufficient, 308; M. agreed to, 308; B. 3rd R., 308.
Assent, 882.
(57-58 *Vict.*, *cap.* 130.)

(F) An Act further to amend the Acts respecting the Harbour of Pictou in Nova Scotia.—(*Mr. Bowell.*)

Introduced, and B. explained (Mr. Bowell), 199.
2nd R., 227. B. further explained (Mr. Bowell), 227.
In Com. of the W.; remarks: Messrs. Power, Bowell, 252; B. reported (Mr. Vidal) without amt., 252.
3rd R.*, 264.
Assent, 882.
(57-58 *Vict.*, *cap.* 49.)

(G) An Act further to amend the Revised Statutes, chapter 77, respecting the Safety of Ships.—(*Mr. Bowell.*)

Introduced, and B. explained (Mr. Bowell), 199.
2nd R. *m.* (Mr. Bowell), 251; remarks: Messrs. Bowell, Power, Kaulbach, 251; M. agreed to, 252.
In Com. of the W.—On 1st clause; remarks: Mr. Power, 278; Messrs. Kaulbach, MacDonald, (P.E.I.), 279; Messrs. Power, Bowell, Kaulbach, 280; Messrs. Power, Macdonald, (P.E.I.), 281.
On 3rd clause; remarks: Mr. Power, 281; Mr. Bowell, 282. Amt. *m.* (Mr. Power) to add words "South America," 282; remarks: Messrs. Macdonald, (P.E.I.), Bowell, 282; M. agreed to, and clause adopted, 282.
On title of B.; remarks as to departure from English deck-load law, &c.: Messrs. Scott, Kaulbach, Bowell, 282.
B. reported (Mr. Vidal) from Com., with Amts., which concurred in*, 282.
3rd R.*, 286.
Concurrence in Amts. made by H. of C. *m.* (Mr. Bowell), 629. M. agreed to, 629.
Assent, 883.
(57-58 *Vict.*, *cap.* 44.)

(H) An Act to amend the Act to incorporate the Rocky Mountain Railway and Coal Company.—(*Mr. Lougheed.*)

Introduced*, 205.
On order for 2nd R., *m.* (Mr. Lougheed) that order be discharged, Bill being introduced in Commons, 226; remarks on procedure (Mr. Miller), 226; permission to withdraw the B. requested (Mr. Lougheed), and B. withdrawn, 226.
*See* B. (80) below.

(I) An Act to amend the Acts relating to the Moncton and Prince Edward Island Railway and Ferry Company.—(*Mr. Poirier.*)

1st R.*, 205.
2nd R. *m.* (Mr. Poirier) and B. explained, 253. Debate: Mr. Kaulbach, 253; Mr. Vidal, 253-4; Messrs. Macdonald, (P.E.I.), Poirier, Vidal, 254; Messrs. Poirier, Vidal, Kaulbach, 255; Mr. Prowse, 255-6; Messrs. Ferguson, (P.E.I.), Power, 256. M. agreed to, 256.
B. reported (Mr. Dickey) from Ry. Com., with two Amts., which explained, 288. Concurrence *m.* (Mr. Poirier) and agreed to, 288.
3rd R.*, 289.
Assent, 882.
(57-58 *Vict.*, *cap.* 82.)

BILLS—*Continued.*

(J) An Act declaring and confirming certain rights and privileges in Fish Creek, District of Alberta.—(*Mr. Lougheed.*)
1st R.*, 205.
On order for 2nd R., explanation (Mr. Lougheed) that B. has been postponed in anticipation of the Govt. bringing down a general irrigation B., 274-5; M. (Mr. Lougheed) for further postponement, 275; M. agreed to, 275.

(K) An Act to incorporate the Colonial Mutual Life Association.—(*Mr. Cochrane.*)
1st R.*, 223.
2nd R. *m.* (Mr. Clemow)*, 252.
On Order for consideration of Banking Com. Amts.; remarks: Mr. Allan, 310; M. (Mr. Clemow) to refer B. back to Com., 310; M. agreed to, 310.
B. reported again from Com. (Mr. Allan) with Amts., which explained; amount of insurance; change of name of Co., &c., 361.
3rd R. *m.* (Mr. Clemow)*, 364.
Assent, 883.
(57-58, *Vict., cap.* 120.)

(L) An Act to again revive and further amend the Act to incorporate the Red Deer Valley Railway and Coal Company.—(*Mr. Lougheed.*)
5th Report of Com. on Standing Orders presented (Mr. Macdonald, B.C.); petitions signed by attorneys, not by proper officials, guarantee for properly signed petition. Remarks on points of order: Messrs. Miller, Macdonald, McKay and Power, 197; Messrs. Miller, Power and McKay, 198. Reference of Report back to Com. *m.* (Mr. Lougheed), and agreed to, 198.
1st R.*, 224.
2nd R. *m.* (Mr. Lougheed), with explanation of B., 227. M. agreed to, 227.
3rd R. *m.* (Mr. Lougheed), with remarks: petition arrived from England, duly signed, 332; M. agreed to, 332.
Assent, 882.
(57-58 *Vict., cap.* 90.)

(M) An Act for the relief of Nicholas Joshua Filman.—(*Mr. Clemow.*)
1st R.*, 224.
2nd R.*, 289.
Adoption of Report of Divorce Com., in favour of B., *m.* (Mr. Gowan), 343. Report adopted, 343.
3rd R.*, 343.
Assent, 883.
(57-58 *Vict., cap.* 131.)

(N) An Act to incorporate the Wolseley and Fort Qu'Appelle Railway Co.—(*Mr. Perley.*)
1st R.*, 224.
2nd R.*, 264.
Reported from Ry. Com. with Amts., which explained (Mr. Dickey), 288.
Adoption of Report *m.* (Mr. Perley), for the two Amts. suggested, narrower gauge if wished, and voting by proxy at annual meetings, 299; M. agreed to, 299.
3rd R.*, 299.
Assent, 882.
(57-58 *Vict., cap.* 95.)

(O) An Act for the relief of William Samuel Piper.—(*Mr. Clemow.*)
1st R.*, 224.
2nd R.*, 331.
Adoption of seventeenth Report of Divorce Com. *m.* (Mr. Read, Quinté), 426; M. agreed to*, 426.

BILLS—*Continued.*

3rd R.*, 426.
Assent, 883.
(57-58 *Vict., cap.* 133.)

(P) An Act for the relief of Joseph Thompson.—(*Mr. Clemow.*)
1st R.*, 224.
2nd R.*, 310.
Adoption of sixteenth Report of the Divorce Com. *m.* (Mr. Read, Quinté), no defence, and no minority report, 425; M. agreed to on a division, 425.
3rd R.*, 425.
Assent, 883.
(57-58 *Vict., cap.* 134.)

(Q) An Act respecting the Speaker of the Senate.—(*Mr. Angers.*)
Introduced and explained, and 1st R. *m.* (Mr. Angers), 224; M. agreed to, 224.
2nd R. *m.* (Mr. Angers), and further explained, 256. Constitutionality of Bill debated: Messrs. Gowan, Scott, Angers, 257; Mr. Gowan, 257-8; Mr. Dickey, 258-9; Messrs. Kaulbach, Scott, 259; Messrs. Gowan, Scott, Allan, 260; Messrs. Poirier, Power, 261; Messrs. Lougheed, Angers, 262; Messrs. Lougheed, Angers, Dickey, Gowan, 263. M. agreed to, 263.
In Com. of the W., on 1st cl.: reply to Mr. Gowan's last question (Mr. Angers), B. will be sent to England, with copy of debates, 266; cl. adopted, 266.
On 2nd cl., on Mr. Vidal's suggestion to strike out "unavoidable," 266; opposing remarks: Mr. Bowell, 266; cl. adopted, 266.
On 4th cl., remarks: Mr. Angers, proclamation at request of Imperial Govt., 266; further, Messrs. Power, Angers, 266.
B. reported (Mr. Read, Quinté) without amt., 266.
3rd R., on a division*, 266.
Assent, 883.
(57-58 *Vict., cap.* 11.)

(R) An Act respecting the Wood Mountain and Qu'Appelle Railway Company.—(*Mr. Bernier.*)
1st R.*, 226.
On Order for 2nd R.: M. (Mr. Lougheed) for discharge of Order, B. having been introduced in Commons, 226. Remark on procedure: Mr. Miller, 226. Leave asked (Mr. Bernier) to withdraw the B., 226; withdrawn accordingly, 226. *See*, subsequently, B. (20) below.

(S) An Act to amend and consolidate the Acts relating to the Harbour Commissioners of Montreal.—(*Mr. Bowell.*)
Introduced, 226. B. partially explained (Mr. Bowell), 226.
On Order of Day for 2nd R.: B. further explained (Mr. Bowell); remarks: Mr. DeBoucherville, 227; Messrs. Power, Bowell, 228; M. (Mr. Bowell) for postponement of B., 228; M. agreed to, 228. Remarks: Mr. Bowell, that B. appeared on Order paper as printed in English when copy had not yet reached printing office (in debate on Insolvency B.), 229.
2nd R.*, 274.
M. (Mr. Bowell) that Order of Day be discharged, and that B. be taken into consideration on Monday next, 311. M. agreed to, 311.
In Com. of the W.; remarks: On 5th cl., Messrs. Bowell, Desjardins, Ogilvie, 312.
On 8th cl., Messrs. Desjardins, Ogilvie, 312; Messrs. Bowell, Ogilvie, Masson, Power, 313;

**BILLS**—*Continued.*

Mr. Bowell, 313-314; Mr. Desjardins, 314-315.

On 16th cl., Messrs. Power, Ogilvie, Desjardins, Smith, Bowell, 315; Messrs. Desjardins, Power, Dickey, 316.

On 18th cl., Messrs. Power, Bowell, Ogilvie, Desjardins, 316; Messrs. DeBoucherville, Miller, Ogilvie, Bowell, Vidal, Power, 317.

On 26th cl., Mr. Bowell, 317; Messrs. Power, Bowell, Scott, Angers, 318; Mr. Kaulbach, 319.

On 35th cl., Messrs. Bowell, Desjardins, Power, Ogilvie, 319.

On 36th cl., Messrs. Power, Bowell, 319; Messrs. Power, Desjardins, 320.

On 41st cl., Messrs. Bowell, Power, 320.

On 47th cl., Messrs. DeBoucherville, Lougheed, Dickey, Bowell, 320; progress reported (Mr. Vidal), 320.

Again in Com. of the W., on cl. 5; remarks: Mr. Bowell, no necessity for change, 331; cl. adopted, 331.

On cl. 6, Mr. Bowell *m.* that cl. be struck out and cl. substituted defining limits of harbour, 331. M. agreed to, 331.

On cl. 47, Mr. Bowell *m.* that cl. be struck out of B., 331. M. agreed to, 331.

From the Com., (Mr. Vidal) B. reported with Amts., which concurred in, 331.

3rd R.*, 332.

Concurrence in Amts. made by H. of C. *m.* (Mr. Bowell), 628; remarks: Messrs. DeBoucherville, Bowell, Angers, Desjardins, 628; Messrs. Bowell, Desjardins, 629. M. agreed to, 629.

Assent, 883.

(57-58 *Vict., cap.* 48.)

(T) An Act for the relief of James St. George Dillon.—(*Mr. Ogilvie.*)

Report of Divorce Com. presented (Mr. Gowan) reporting personal service, and *m.* that the Report be adopted, 224. M. agreed to, 224.

1st R*, 226.

2nd R. *m.* (Mr. Clemow) for. Remarks: Messrs. Clemow, Bellerose, Dever, 299; Messrs. Lougheed, Miller, Almon, leave to withdraw the Amt., Bellerose, 300. M. agreed to on a division.

Report of Divorce Com. presented (Mr. Gowan), 320; *m.* (Mr. Gowan) that same be taken into consideration on Thursday next, 320; M. agreed to, 320; Minority Report presented (Mr. Kaulbach), 320; *m.* (Mr. Kaulbach) that same be taken into consideration on Thursday next, 320; M. agreed to, 320. Remarks: Messrs. Gowan, Kaulbach, 320; *m.* (Mr. Gowan), that Clerk of the Com. furnish the full minutes of the proceedings before the Com. so that the whole matter may be in the possession of the House, 320. M. agreed to, 320.

Order of Day, Consideration of 14th Report of Standing Com. of Divorce, 350. Remarks: Mr. Gowan, respecting lateness of distribution of evidence and *m.* that Order of Day be discharged, 350. M. agreed to, 350.

On Order of Day, Consideration of Minority Report, Mr. Kaulbach, *m.* that Order of Day be discharged and consideration of Report be fixed for Tuesday next, 350. Remarks: Messrs. Bellerose, Kaulbach, 350. M. agreed to, 350.

Consideration of 14th Report of Divorce Com. Remarks: respecting evidence, Mr. Gowan, 366-8; Messrs. Kaulbach, Scott, 368; Mr. Kaulbach, 368-370; Messrs. Macdonald (B. C.), Power, Kaulbach, 370; Messrs. McCallum, Kaulbach, Boulton, 371 Messrs. Read (Quinté), Kaulbach, 372; Messrs. McKay, Kaulbach, Primrose, 373; Messrs. Kaulbach, Primrose, McKay, Macdonald (B.C.), 374; Messrs. Macdonald (B.C.), Kaulbach, 375; Messrs. Ogilvie, Kaulbach, McKay. 376; Messrs. McKay, Kaulbach, Vidal, 377; Messrs. Kaulbach, Vidal, 378; Mr. Bellerose, 379; Mr. Gowan, 380; Mr. Bellerose, 380-83; Messrs. Ogilvie, Bellerose, 383. M. (Mr. Scott) for adjt. of debate, 383.

Debate resumed, 384; proper place on Order paper discussed, 383-4; Mr. Scott, 384-6; Messrs. Macdonald (B. C.), Scott, 386; Messrs. Read (Quinté), Scott, 387; Messrs. Ogilvie, Scott, Read (Quinté), McInnes (B. C.), Kaulbach, 388; Messrs. Kaulbach, Scott, Read, 389; Messrs. Bowell, Scott, Poirier, 390; Messrs. McInnes (B.C.), Scott, Power, Dever, Macdonald (B.C.), 391; Messrs. Boulton, Scott, Angers, Macdonald, Kaulbach, 392; Mr. Scott, 392-4; Messrs. Angers, Ogilvie, Scott, 394; Messrs. McInnes, Scott, Masson, 395; Messrs. Macdonald, McInnes, Scott, Bellerose, Kaulbach, 396; Messrs. Power, McInnes, Kaulbach, Scott, 397; Messrs. McInnes, Kaulbach, Landry, Scott, Macdonald, 398; Messrs. Read (Quinté), Scott, DeBoucherville, 399; Messrs. Scott, Read, 400; Messrs. McInnes (B.C.), Scott, Read (Quinté), Power, 401; Messrs. Macdonald (B. C.), Power, McInnes (B.C.), Primrose, 403; Messrs. Almon, Power, McInnes (B.C.), Poirier, Vidal, 404; *m.* (Mr. Power), that debate be adjourned, 405. M. agreed to, 405.

Explanation from Printing Bureau presented (Mr. Bowell) that no delay had occurred in printing the papers, 406.

Resumed debate, proper place on Order paper discussed: Messrs. Power, Bowell, 406.

Debate resumed, 408; remarks: Mr. Power, 408-410; Messrs. Kaulbach, Power, Scott, 410; Messrs. Macdonald (B. C.), Power, McKay, 411; Mr. Power, 411-413; Mr. Prowse, 413-414; Messrs. Power, Prowse, 414; Mr. Power, 415; Messrs. Prowse, Power, Dickey, 416; Messrs. Boulton, Dickey, McInnes, 417; Messrs. McCallum, Dickey, Power, Kaulbach, McInnes, 418; Messrs. Boulton, Kaulbach, Scott, 419; Messrs. Boulton, Poirier, 420; Messrs. Scott, Boulton, 421; Messrs. Kaulbach, Boulton, Bellerose, 422; Messrs. Bellerose, Kirchhoffer, Scott, McKay, Kaulbach, O'Donohoe, 423; Messrs. McKay, O'Donohoe, 424; M. (Mr. O'Donohoe) to re-commit Report for further questions, 425; remarks: Mr. Kaulbach, 425; *m.* (Mr. Clemow) that debate be adjourned till Tuesday next, 425; remarks, Messrs. Power, Bowell, 425. M. agreed to, 425.

On Order for resuming Debate on adoption of 14th Report of Com. Remarks: Mr. Clemow, 428-31; Messrs. Bellerose, O'Donohoe, McInnes (B.C.), 431; Messrs. Bellerose, Read (Quinté), Angers, McInnes, McKindsey, O'Donohoe, Power, Almon, respecting whether notice of Mr. O'Donohoe's Amt. was given, 433; Messrs. Kaulbach, McInnes (B.C.), the Speaker, Poirier, Angers, 434; Amt., as read by Mr. O'Donohoe, *m.* (Mr. Landry, 433; remarks: Mr. Read (Quinté), 433; Mr. Kirchhoffer, 434; Mr. Power, 435; Mr. Kirchhoffer, 435-7; Messrs. Power, Kirchhoffer, 437-8; Messrs. Dever, Kirch-

BILLS—*Continued.*

hoffer, 439; Mr. Poirier, 440; Messrs. Poirier, McCallum, Kirchhoffer, 441; Messrs. Bellerose, Poirier, 442; Mr. Poirier, 442-4; Messrs. McCallum, Vidal, 444; Messrs. Scott, Vidal, Power, Bellerose, 445; Messrs. Vidal, Bellerose, 446; Mr. Bellerose, 446-7; Messrs. Scott, Bellerose, Macdonald (Victoria), 448; Messrs. Reesor, Poirier, 449; Messrs. McInnes, Reesor, Scott, 450; Messrs. Scott, Reesor, Ogilvie, Power, 451; Messrs. Bowell, Power, Read (Quinté), McKay, 452; Messrs. McInnes (B.C.), Power, Poirier, O'Donohoe, 453; Messrs. McInnes, Bellerose, Poirier, Dever, 454; Messrs. O'Donohoe, Prowse, 455; Mr. Perley, 456; Messrs. Kaulbach, McInnes, 457; Messrs. Kaulbach, Boulton, 458; Messrs. Scott, Almon, 459. Amt. rejected (C. 22, N.-C. 25), 459. M. for adoption of Report rejected by following vote: (C. 23, N.-C. 24), 460.

On Notice of M., consideration of the Com. Report. Remarks: Messrs. Clemow, Miller, Dickey, Angers, 482. M. allowed to stand till Wednesday next, 482.

Consideration of 14th Report of Com. *m.* (Mr. Clemow), 514; remarks: Messrs. Angers, Miller, 514; Messrs. Macdonald (B.C.), Miller, Scott, Angers, 515; Messrs. Miller, Angers, 516; Messrs. Masson, Bellerose, Power, 517; Sir Frank Smith, 517; Messrs. Angers, Power, Vidal, Kalbauch, Clemow, Reesor, McInnes (B.C.), 518; Messrs. Bowell, Kirchhoffer, Clemow, 519; leave asked to have M. amended to include Minority Report (Mr. Clemow), 519; remarks: Messrs. Kaulbach, Clemow, Scott, 519; Amt. *m.* (Mr. Scott), for three months' hoist, 520; remarks: Messrs. Bowell, Scott, Dickey, Masson, Angers, Boulton, McKay, 520; Amt. rejected (C. 23, N.-C. 29), 520-1. Original motion carried on same division, 521.

On Order for consideration of 14th Report of Com., adoption of Majority Report *m.* (Mr. Clemow) 614. Remarks: Messrs. Clemow, Kaulbach, Almon, McInnes (B.C.), Power, 614; consideration of Report postponed, 614.

Adoption *m.* (Mr. Clemow), 616; Amt. *m.* (Mr. Landry), 616; division on the Amt., which rejected (C. 20, N.-C. 22), 616; *m.* (Mr. Bellerose) that Report be referred back to Com. to insert cl. precluding re-marriage, 616. Remarks: Messrs. Scott, Bellerose, McInnes, Prowse, 616; Messrs. Scott, Power, Bowell, Read, Kaulbach, 617; Messrs. Kirchhoffer, Scott, Bellerose, Prowse, Bowell, Macdonald (B.C.), McInnes, 618; Messrs. Allan, Bellerose, 619; Amt. declared lost on a division, 619; Amt. *m.* (Mr. Landry), 6 months' hoist, 619; division on the Amt., which rejected (C. 20, N.-C. 21), 619; Report adopted on a division, 619.

3rd R., 619.
Assent, 884.
(57-58 *Vict., cap.* 129.)

(U) An Act respecting Public Harbours.—(*Mr. Bowell.*)

Introduced and explained, 228.

2nd R., 275; remarks: Messrs. Bowell, Power, 275; Messrs. Dever, Wark, Kaulbach, 276.

In Com. of W., B. reported (Mr. Ferguson, P.E.I.) without amt., 277.

3rd R. *m.* (Mr. Bowell); remarks: Messrs. Bowell, Power, 277; Mr. Power, 278; M. agreed to and B. read 3rd time and passed, 278.

BILLS—*Continued.*

Concurrence in H. of C. Amts. to B. *m.* (Mr. Bowell), 580. M. agreed to, 581.
Assent, 883.
(57-58 *Vict., cap.* 47.)

(V) An Act further to amend the Insurance Act.—(*Mr. Angers.*)

1st R., 251; B. partially explained (Mr. Angers), 251.

2nd R. *m.* (Mr. Angers) 289; B. fully explained (Mr. Angers), 289-292; ques., Mr. Scott, 292; remarks: Messrs. Angers, Scott, Lougheed, 292; Messrs. Kaulbach, Angers, McMillan, Scott, 293; Mr. Angers, 293-294; Mr. Scott, 294-296; Messrs. Angers, Scott, Lougheed, Kaulbach, 296; Messrs. Macdonald (P.E.I.), Gowan, 297; Messrs. Scott, Angers, 298; M. agreed to, 299; and B. read the 2nd time.

In Com. of the W., remarks: On 5th cl., Messrs. Angers, Vidal, 328; Mr. Vidal suggested additional cl., 328; Messrs. Angers, Vidal, Scott, 329; Amt. adopted, 329; on subsection 5: Messrs. Pelletier, Angers, 329; Mr. Pelletier, an Amt. proposed and adopted, 329; *m.* (Mr. Angers) to add a 6th subsection, 329; Amt. adopted, 330; *m.* (Mr. Angers) that B. be amended by adding a 13th section, 330; Messrs. Scott, Poirier, Angers, Power, 330; *m.* agreed to, 330; *m.* (Mr. Angers) that the Com. rise, report progress and ask leave to sit again, 330; Mr. Vidal, from the Com., reported progress and asked leave to sit again, 331.

In Com. of W., on subsection 5; remarks: Mr. Angers, amt. to extend time to 1st February, 333; Amt. agreed to and cl. adopted, 333; Mr. Angers *m.* that the 3rd subsection be dropped, 333; M. agreed to, 333; Mr. Vidal, from the Com., reported B. with Amts., which concurred in, 333.

3rd R., 348.

Bill rec'd. from H. of C. with certain Amts., 823; Amt. proposed (Mr. Angers) to last cl., increasing scope of investments permitted to Cos., 823; remarks: Messrs. Angers, Ogilvie, MacInnes (Burlington), 823.

Adoption of Amts. of H. of C. *m.* (Mr. Angers), 825; Amt. *m.* (Mr. MacInnes, Burlington), non-concurrence in 27th Amt., adding cl. *d* to the B., restricting investments authorized for Cos., 826-828; remarks: Messrs. Kaulbach, MacInnes, 828; Mr. Scott, 828-830; Mr. Kaulbach, 830; Mr. Ferguson (Welland), 831; Mr. Allan, 832; Messrs. Bowell, Allan, Scott, Sir Frank Smith, 833; Messrs. Power, Dever, Sir Frank Smith, 834; Messrs. Angers, MacInnes, Bellerose, 835; Messrs. Clemow, Masson, Angers, Bowell, 836; Messrs. Scott, Bowell, 837; Mr. Boulton, 838; Amt. agreed to on a division, 838; M., as amended, was adopted, 838.

Remarks on differences between Members of Cabinet: Sir Frank Smith, Mr. Angers, 838.
Assent, 884.
(57-58 *Vict., cap.* 20.)

(W) An Act for the relief of Orlando George Richmond Johnson.—(*Mr. Clemow.*)

Introduced*, 263.
2nd R.,* 333.
Adoption of 18th Report of Com. *m.* (Mr. Kirchhoffer), 428. M. agreed to on a division, 428.
3rd R. *m.* (Mr. Clemow) 428; M. agreed to on a division, 428.
3rd R., 428.
Assent, 883.
(57-58 *Vict., cap.* 132.)

BILLS—*Continued.*

(X) An Act respecting the Manitoba and North-Western Railway Company of Canada.—(*Mr. Lougheed.*)

Petition presented (Mr. Read, Quinté) for leave to present petition relating to Manitoba and North-western Railway Co., 224; remarks: Mr. Miller, 225; *m.* (Mr. Read) reference to Standing Orders Com., 225; M. agreed to, 225; M. (Mr. Read) that petition be read, 225; further on procedure, Mr. Miller, 225.

Introduced*, 264.

2nd R.,* 274.

3rd R., *m.* (Mr. Lougheed) 321; remarks: Amt. *m.* (Mr. Boulton) as to miles of construction required per year, by striking out the words "not exceeding" in the 15th line and inserting in lieu thereof the words "not less than," 321-6; Messrs. Kaulbach, Boulton, Lougheed, 326; Messrs. Boulton, Lougheed, Kaulbach, 327; Mr. Boulton, that the object of the Amt. was to point out to the Govt. his views of the case. With the leave of the H. the Amt. was withdrawn and the B. read 3rd time and passed, 328.

Concurrence in Amts. made by the H. of C. *m.* (Mr. Perley), 629. M. agreed to, 629.

Assent, 883.

(57-58 *Vict., cap.* 79.)

(Y) An Act respecting the arrest, trial and imprisonment of Youthful Offenders.—(*Mr. Bowell.*)

Introduced*, 277.

2nd R., *m.* (Mr. Allan) and B. debated upon: Messrs. Allan, Poirier, Masson, Bowell, 300; Mr. Masson, 301; Mr. Allan, 301-303; Mr. Scott, 304; Mr. Allan, 303-4; Mr. DeBoucherville, 304; Messrs. Allan, Kaulbach, Dickey, 305; Mr. Allan, 306; M. agreed to, 306.

In Com. of the W.: on 1st cl., *m.* (Mr. Allan) that the word "sixteen" be substituted for the word "seventeen" in the cl. M. agreed to and cl. adopted, 348.

On 2nd cl., remarks: Messrs. Power, Allan, respecting separate buildings or stations, 348-9; Messrs. Vidal, Allan, Power, that the word "with" be substituted for the word "for" in the 35th line, 349. Cl. as amended was adopted, 349.

On 4th cl., remarks: Messrs. Allan, Drummond, respecting boys under 12 and girls under 13, 349; *m.* (Mr. Allan) that the word "shall" be substituted for the word "may" in the 9th line, 349. Cl. as amended was adopted, 349.

On sub-cl. (*a*), remarks: Mr. Allan, respecting placing child in foster home, 349. Mr. Sanford, respecting time of binding child in sub-cl. (*b*), 349; Mr. Allan, 349. Cl. was adopted, 350. B. reported from Com. (Mr. Lougheed) with Amts., which concurred in, 350.

3rd R.,* 360.

Assent, 883.

(57-58 *Vict., cap.* 58.)

(Z) An Act for the better preservation of Game in the unorganized portions of the North-west Territories of Canada.—(*Mr. Bowell.*)

Introduced, 286. B. explained (Mr. Bowell), 286-7; remarks: Messrs. Lougheed, Bowell, 287; Mr. Bowell, 288.

2nd R., *m.* (Mr. Bowell) 306; remarks: Mr. Power, 306; Messrs. Macdonald (B. C.), Power, Kaulbach, Bowell, 307; Messrs. Perley, Power, 308; M. agreed to and B. read 2nd time, 308.

In Com. of the W.: on 1st cl., Mr. Power, suggestion that B. might be amended so as to read "The Territories Game Preservation Act," 333; Mr. Bowell, 333; cl. amended accordingly and adopted.

On 2nd cl.; remarks: Mr. Power, respecting which portions of Canada it covers, 333; Messrs. Kaulbach, Drummond, Lougheed, 333; Mr. Power suggested to alter the cl. so as to protect the moose and caribou in Labrador, 334; Mr. Drummond, 334; Mr. Bowell, note made and if deemed advisable B. will be referred back to Com. at 3rd R., 334. The cl. was adopted, 334.

On 5th cl.; remarks: Mr. Power, respecting time of close season, 334. Messrs. Allan, Bowell, Power, 334; Messrs. Bowell, Power, Boulton, 335; Messrs. Bowell, Power, Lougheed, McClelan, 336; cl. adopted, 337.

On subsection (*g*); remarks: Messrs. Kaulbach, Bowell, respecting category of swan, 337; Mr. Power, change of date, 337; cl. adopted, 337.

On 8th cl.; remarks: Messrs. Lougheed, Allan, Boulton, Masson, Kaulbach, respecting indiscriminate slaughter of game for sport, 337; Messrs. Allan, Sutherland, Masson, Power, Bowell, Lougheed, 338; Messrs. Masson, Lougheed, Power, Drummond, Bowell, 339; cl. adopted, 339.

On 15th cl.; remarks: Mr. Power, respecting provisions of cl. 339; Messrs. Bowell, Lougheed, Power, 340; cl. allowed to stand, 340.

On 17th cl.; remarks: Messrs. Power, Lougheed, DeBoucherville, Bowell, respecting disposal of animal or bird illegally killed, 340; Messrs. Bowell, Prowse, 341; cl. adopted, 341.

On 19th cl.; remarks: Messrs. Lougheed, Bowell, Power, Ferguson (P.E.I.), respecting guilt of person, and evidence necessary, 341; Messrs. Ferguson, Bowell, Lougheed, Masson, Gowan, 342; cl. was allowed to stand, 342.

On 22nd cl.; remarks: Mr. Allan, respecting certificate for collections, 342-3; Messrs. Bowell, Power, Lougheed, 343.

On 26th cl.; remarks: Mr. Power, respecting giving the Governor power to change season, 343; Mr. Bowell, 343; Mr. McDonald (C.B.), reported progress and asked leave to sit again, 343.

Again in Com. of the W.; remarks: Messrs. Bowell, Power, respecting change of name, and *m.* (Mr. Bowell) to change name to the Unorganized Territories Game Preservation Act, 356; cl. amended accordingly and adopted, 356.

On cl. 15; remarks: Messrs. Bowell, Power, and *m.* (Mr. Bowell) that 15th cl. be struck out and substituted form inserted as cl. 12, 356; Mr. Bowell, 357. Amt. agreed to, 357.

On cl. 5; remarks: Messrs. Bowell, McClelan, and Amt. *m.* (Mr. Bowell) special cl. to give Governor in Council a right to change dates, 357; cl. as amended adopted, 357.

On cl. 19; remarks: Messrs. Bowell, Power, respecting addition of the words "on reasonable suspicion" to be added after the word "charge" in 1st line, 357; cl. as amended adopted, 357.

On cl. 22; remarks: Mr. Bowell, proposed Amt. of striking out the words "any game guardian" and insert "the Minister of the Interior or any officer or person duly authorized by him may issue a permit to any per-

BILLS—*Continued.*

son, &c.," 357; Messrs. Drummond, Bowell, Power, 357; Mr. Drummond, 358. Mr. Bernier, that clause 19 should be struck out altogether, 358; Messrs. Reesor, Bowell, Power, Bernier, Lougheed, Masson, McClelan, 358; Messrs. Bowell, Masson, Lougheed, Drummond, 359; and *m.* (Mr. Bowell) that cl. 19 be struck out, 359; M. agreed to, 359.

On cl. 8; remarks: respecting close season for buffalo; Mr. Masson, 359; Messrs. Bowell, Power, 360; Mr. McDonald (C.B.), from Com., reported B. with Amts., which concurred in, 360-1.

Resumed in Com. of the W.: on cl. 27; remarks: Messrs. Power, Bowell, 364; cl. adopted, 364. Mr. Vidal, from Com., reported B. with an Amt., which concurred in, 364.

3rd R.*, 364.

On Order for consideration of Amts. made by H. of C. to B., 466, *m.* (Mr. Bowell) that 1st Amt. to change name of "Keewatin" be not concurred in, 466; M. agreed to, 466; other Amts. of H. of C. concurred in, 466.

Assent, 883.

(57-58 *Vict., cap.* 31.)

(—) Petition of James Balfour, of the city of Hamilton, praying that certain exhibits filed in his divorce Bill last session be restored to him; *m.* (Mr. Lougheed), that petition be referred to Divorce Com. to report in regard to request made by petitioner, 285-6; M. agreed to, 286.

(—) An Act to provide for the construction of a railway to Hudson Bay as a public work.—(*Mr. Boulton.*)

Introduced, 266. B. explained (Mr. Boulton), 266-270; ques., Mr. Miller, 270; Mr. Boulton, 270-1; remarks: Mr. McCallum, 271; Mr. Boulton, 271-2; Messrs. Angers, Boulton, Miller, Power, Kaulbach, that B. is not in order, 272; the Speaker gives an opinion that the B. is out of order, 272.

*See*, subsequently, Bill (BB).

(AA) An Act to amend the law relative to conspiracies and combinations formed in restraint of trade.—(*Mr. Read, Quinté.*)

1st R., 289; remarks: Messrs. Read (Quinté), Bowell, 289.

2nd R., *m.* (Mr. Read, Quinté), 350; remarks: on subject of B., Mr. Read (Quinté), 350; Messrs. Almon, Read, Poirier, 351; Mr. Read, 351-3; Messrs. Scott, Read, 353; Messrs. Scott, Read, Dever, 354; Messrs. Almon, Read, 355; Mr. Almon, 356; M. agreed to, and B. read 2nd time, 356.

In Com. of the W., Amt. *m* (Mr. Read, Quinté), 428: M. agreed to, 428; B. reported from Com. (Mr. Ogilvie) with an Amt., which concurred in, 428.

3rd R., *m.* (Mr. Read, Quinté), 460; remarks: Messrs. Almon, Scott, 460; M. agreed to, 460; remarks: respecting passing of B.; Messrs. Almon, Power, Murphy, Miller, 461; B. passed, 461.

(BB) An Act to enable the Government of the North-west Territories to unite with the province of Manitoba in the construction of a railway to Hudson Bay as a public work.—(*Mr. Boulton.*)

*See*, previously, Bill (—), above.

Introduced*, 309.

BILLS—*Continued.*

2nd R., *m.* (Mr. Boulton), 466-8; remarks: Messrs. Bowell, Boulton, McKay, Reesor, 468; Messrs. Miller, Boulton, Angers, McKay, 469; Mr. Boulton, 469-71; Messrs. Read (Quinté), Boulton, 471; Mr. Boulton, 471-3; Messrs. Angers, Boulton, Reesor, McKay, Perley, 473; Messrs. Boulton, Angers, 474; Messrs. Reesor, Boulton, Kaulbach, 475; Amt. *m.* (Mr. Kaulbach) for 6 months' "hoist," 475-6; Mr. Perley, 476-7; Mr. Boulton, 477-8; Messrs. Bowell, Boulton, 478; Messrs. Perley, Bowell, Power, 479; Messrs. Kaulbach, Boulton, Power; Amt. agreed to on a division, 480.

(CC) An Act further to amend the Indian Act.—(*Mr. Bowell.*)

Introduced*, 309.

2nd R., *m.* (Mr. Bowell) 343; B. explained (Mr. Bowell), 343-347; remarks: Messrs. Kaulbach, Bowell, Lougheed, respecting validity of Indian wills, 347; M. agreed to and B. read 2nd time, 347.

In Com. of the W.: on 1st clause; remarks: Mr. Bowell, respecting provisions of B., 361.

On subsection 2; remarks: Messrs. Power, Bowell, respecting Indian wills, 361; cl. adopted, 361.

On subsection 8; remarks: Messrs. Bowell, Macdonald (B.C.), respecting difference between B. and the old Act respecting land, 361; Messrs. Vidal, Bowell, Macdonald (B.C.), 362; cl. adopted, 362.

On cl. 2; remarks: Messrs. DeBoucherville, Bowell, Vidal, respecting difference between this section and the one that is to be repealed, 362; cl. adopted, 362.

On cl. 11; remarks: Messrs. Power, Bowell, respecting power of Superintendent General, and Indian Dept. over Indians living off reserves, 362; cl. adopted, 362; Mr. Lougheed, from Com., reported B. with Amts., which concurred in, 362.

3rd R.*, 364.

Assent, 883.

(57-58 *Vict., cap.* 32.

(DD) An Act respecting the Canada Southern Railway.—(*Mr. MacInnes, Burlington.*)

1st R.*, 366.

2nd R.*, 425.

3rd R.*, 521.

Assent, 883.

(57-58 *Vict., cap.* 66.)

(EE) An Act respecting the Incorporation and Regulation of Joint Stock Companies.—(*Mr. Bowell.*)

1st R., 426; remarks: Mr. Bowell, that B. will be explained on 2nd R., 426.

2nd R. *m.* (Mr. Bowell), 522; remarks: Messrs. Scott, Bowell, 523; Messrs. Power, Clemow, Kaulbach, Bowell, 524; M. agreed to, 524.

In Com. of the W.; on section 1; remarks: Mr. Bowell, 581.

On subsection 1; remarks: Messrs. Power, Bowell, 581; cl. allowed to stand, 581.

On cl. 3: Messrs. Power, Bowell, 581; cl. adopted, 581.

On cl. 5: Mr. Power, 581; Messrs. Scott, Bowell, 582; cl. adopted, 582.

On cl. 50: Messrs. Scott, Bowell, 582; cl. adopted, 582.

On cl. 81: Messrs. Power, Angers, Scott, Bowell, 582; cl. allowed to stand, 582.

BILLS—*Continued.*

On cl. 93: Messrs. Power, Bowell, Scott, 582; Messrs. Scott, Power, Clemow, 583; cl. adopted, 583.
On cl. 160: Messrs. Power, Bowell, 583; suggestion, Mr. Bowell, that it be made $100,000 all through; suggestion adopted, 583.
On cl. 195: Messrs. Power, Bowell, DeBoucherville, 583; Messrs. Boulton, Power, Bowell, Clemow, Dickey, 584; cl. adopted, 584.
On table "B.": Messrs. Power, Bowell, 584.
On cl. 2: Mr. Bowell, 584; cl. adopted, 585.
On cl. 81: Mr. Bowell, 585; cl. adopted, 585; B. reported from Com. (Mr. Vidal), with Amts., which concurred in, 585.
3rd R. *m.* (Mr. Bowell), 585; M. agreed to, 586.

(FF) An Act to amend the Act respecting the incorporation of Boards of Trade.—(*Mr. Bowell.*)
1st R.*, 426; B. explained (Mr. Bowell) that B. is simply to define what constitutes a district in N.W.T., 426.
2nd R. *m.* (Mr. Bowell), 461; M. agreed to, 461.
In Com. of the W.; B. reported from Com. (Mr. Ogilvie) without amt., 485.
3rd R., 485.
Assent, 883.
(57-58 *Vict.*, *cap.* 23.)

(GG) An Act to amend the Act relating to the custody of Juvenile Offenders in the Province of New Brunswick.—(*Mr. Bowell.*)
1st R., 482-3.
2nd R.*, 526.
In Com. of the W., 565; remarks: Messrs. Macdonald (B.C.), Bowell, Allan, 565, B. reported from Com. (Mr. Dever), without amt., 565.
3rd R., 565.
Assent, 883.
(57-58 *Vict.*, *cap.* 59.)

(HH) An Act to consolidate and amend the Acts respecting land in the Territories.—(*Mr. Angers.*)
1st R., *m.* (Mr. Angers), 629; remarks: Messrs. Lougheed, Angers, respecting printing of B., 629. M. agreed to, 629.
2nd R.*, 635.
In Com. of the W., 674; remarks: Mr. Angers, 675; on cl. 2, Messrs. Power, Angers, Lougheed, 675; cl. adopted, 675.
On clause 5: Messrs. Angers, Power, Lougheed, Vidal, 675; Scott, Angers, Lougheed, 676; cl. adopted, 676.
On clause 23: Messrs. Power, Angers, 676; cl. adopted, 676.
On clause 56, subsection (*d*): Messrs. Angers, Lougheed, 676; cl. adopted, 676; Mr. Landry, from Com., reported progress, and asked leave to sit again, 676.
In Com. of the W., resumed, 677; on clause 89: Messrs. Scott, Angers, 677; cl. allowed to stand, 677.
On cl. 92: Messrs. Power, Angers, Lougheed, 677; cl. allowed to stand, 677.
On cl. 94: Mr. Lougheed, 677; Messrs. Scott, Angers, Power, Kirchhoffer, Lougheed, 678; cl. allowed to stand, 678.
On cl. 99: Messrs. Lougheed, Angers, Power, 678; Amt. *m.* (Mr. Lougheed), 678; Messrs. Angers, Lougheed, 679; Amt. agreed to and cl. adopted, 679.
On cl. 100: Mr. Lougheed, 679; cl. allowed to stand, 679; Mr. Landry, from Com., reported progress, and asked leave to sit again, 679.
On cl. 87: Mr. Angers, 681; cl. adopted, 681.
On cl. 92: Mr. Angers, 681; cl. adopted, 681; B. reported from Com. (Mr. Landry), with Amts., which concurred in, 681.
3rd R., 681.
Assent, 884.
(57-58 *Vict.*, *cap.* 28.)

(II) An Act respecting Houses of Refuge for Females in Ontario.—(*Mr. Angers.*)
1st R. *m.* (Mr. Angers), 631: remarks: Messrs. Kaulbach, Angers, 631; M. agreed to, 631.
2nd R.*, 632.
In Com. of the W.; remarks: Messrs. Scott, Angers, 645; B. reported from Com. (Mr. Ogilvie) without amt., 645.
3rd R., 645.
Assent, 883.
(57-58 *Vict.*, *cap.* 60.)

(JJ) An Act further to amend the Post Office Act.—(*Mr. Angers.*)
1st R.*, 692.
2nd R.*, 704.
In Com. of the W.; B. reported (Mr. Lougheed) without amt., 705.
3rd R., 705.
Assent, 884.
(57-58 *Vict.*, *cap.* 54.)

(2) "An Act to secure the better observance of the Lord's day, commonly called Sunday."—(*Mr. Allan.*)
1st. R.*, 527. M. (Mr. Allan), for 2nd R. to-morrow, 527; notice of Amt. (Mr. Almon), 6 months' "hoist", 528; M. agreed to, 528.
2nd R. *m.* (Mr. Allan), 565; Amt. (Mr. Almon), for 6 months' "hoist," 566-7; remarks: Mr. Bellerose, 567; Messrs. Scott, Bellerose, Almon, Miller, 568; Messrs. Scott, McCallum, Angers, Allan, 569; Messrs. Miller, Allan, 570; Mr. Kaulbach, 571; Messrs. O'Donohoe, Kaulbach, Smith, Allan, Prowse, Almon, 572; Messrs. Prowse, Sir Frank Smith, Bowell, Miller, 573; Messrs. Macdonald (B.C.), Allan, Miller, 575; Mr. Reesor, 576; Messrs. Ferguson (P.E.I.), Primrose, 577; Messrs. Vidal, Clemow, 578; Messrs. Vidal, Dever, 579. The House divided on the Amt., which adopted (C. 22, N.-C. 13), 579.

(5) An Act further to amend the North-west Territories Representation Act.—(*Mr. Angers.*)
1st R.*, 426.
2nd R. *m.* (Mr. Angers), 461; remarks: Messrs. Almon, Prowse, 461; Messrs. Almon, Power, McKay, Bowell, 462; Messrs. Perley, Ferguson (P.E.I.), 463; Messrs. Macdonald (B.C.), Reesor, 464; M. agreed to, 464.
M. (Mr. Angers) H. into Com. of the Whole; remarks: Mr. Bernier, 486; M. agreed to, 486.
On 3rd cl.; remarks: Messrs. Power, Angers, 486; cl. adopted, 486.
On 6th cl.; remarks: Messrs. Almon, Angers, Scott, 486; cl. adopted, 486.
On 7th cl., Amt. *m.* (Mr. Angers), 486; M. agreed to, 486; Mr. Dickey, from Com., reported progress, and asked leave to sit to-morrow, 486.
Com. of the W. resumed; remarks: Mr. Angers, 497; Mr. Dever, from Com., reported progress, and asked leave to sit again, 498.
In Com. of the W.; Amt. *m.* (Mr. Angers), 614; remarks: Messrs. Power, Angers, 614; Messrs. Power, Angers, Kaulbach, 615; Amt. agreed to, 615; B. reported from Com. (Mr. Dever), with Amts., 615.

BILLS—*Continued.*

Concurrence in Amts. *m.* (Mr. Angers), 620; M. agreed to and B. read 3rd time and passed, 620.
Assent, 883.
(57-58 *Vict., cap.* 15.)

(6) An Act to disfranchise voters who have taken bribes.—(*Mr. Dickey.*)
1st R.*, 485.
2nd R. *m.* (Mr. Dickey), 498; remarks: Messrs. Almon, Scott, 498; Messrs. McKay, Almon, Power, Reesor, Scott, 499; M. agreed to, 499.
2nd R., 499.
In Com. of the W., 526-7; Mr. Kaulbach, 527; B. reported from Com. (Mr. Perley), without amt.
3rd R., 527.
Assent, 883.
(57-58 *Vict., cap.* 14.)

(13) An Act to amend the Seamen's Act.—(*Mr. Bowell.*)
Introduced *, 365.
2nd R. *m.* (Mr. Bowell), 407; remarks: Messrs. Kaulbach, Bowell, 407. M. agreed to, 407.
In Com. of the W., B. explained (Mr. Bowell), 425.
On 2nd cl.; remarks: Messrs. Kaulbach, Bowell, 425. Cl. adopted, 425. B. reported from Com. without amt., 425.
3rd R. *m.* (Mr. Bowell) 427; remarks: Mr. Power, 427. Messrs. Bowell, Read (Quinté), 428. M. agreed to on a division, 428.
Assent, 883.
(57-58 *Vict., cap.* 43.)

(14) An Act to amend the Railway Act.—(*Mr. Bowell.*)
1st R.*, 427.
2nd R. *m.* (Mr. Bowell), 465. M. agreed to, 466.
2nd R., 466.
In Com. of the W.; on cl. 1; remarks: Mr. Power, 496. B. reported from Com. (Mr. Clemow) without amt., 496.
3rd R., 496.
Assent, 882.
(57-58 *Vict., cap.* 53.)

(20) An Act respecting the Wood Mountain and Qu'Appelle Railway Co.—(*Mr. Bernier.*)
Introduced *, 229.
2nd R.*, 264.
3rd R.*, 264.
Assent, 882.
(57-58 *Vict., cap.* 96.)

(21) An Act to incorporate the St. Clair and Erie Ship Canal Company.—(*Mr. Vidal.*)
Introduced *, 347.
2nd R. *m.* (Mr. Vidal), 363. B. explained (Mr. Vidal), 363; remarks: Messrs. Kaulbach, Vidal, 363. M. agreed to, 363.
B. reported from Com. (Mr. Dickey) with an Amt. *m.* (Mr. Vidal) that Amt. be concurred in, 365. M. agreed to, 365.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 104.)

(22) An Act respecting the Winnipeg and Hudson Bay Railway Company, and to change the name thereof to the Winnipeg Great Northern Railway Company.—(*Mr. Sutherland.*)
Introduced *, 347.
2nd R. *m.* (Mr. Sutherland) for, 363. Remarks: Messrs. Kaulbach, Sutherland, 363. M. agreed to, 363.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 94.)

BILLS—*Continued.*

(23) An Act to incorporate the Edmonton Street Railway Company.—(*Mr. Lougheed.*)
1st R.*, 687.
2nd R.*, 691.
3rd R.*, 705.
Assent, 883.
(57-58 *Vict., cap.* 71.)

(25) An Act respecting the Canada and Michigan Tunnel Co.—(*Mr. MacInnes, Burlington.*)
Introduced *, 229.
2nd R.*, 264.
3rd R.*, 321.
Assent, 882.
(57-58 *Vict., cap.* 101.)

(26) An Act respecting the Ottawa Gas Co.—(*Mr. Clemow.*)
1st R.*, 308.
2nd R. *m.* (Mr. Clemow), 310. Remarks: Messrs. Power, Clemow, Read (Quinté), 310. M. agreed to, 310.
3rd R.*, 360.
Assent, 882.
(57-58 *Vict., cap.* 112.)

(27) An Act respecting the Dominion Burglary Guarantee Co. (Limited).—(*Mr. McMillan.*)
1st R.*, 426.
2nd R. *m.* (Mr. McCallum), 481. M. agreed to, 482.
2nd R., 482.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 121.)

(28) An Act to incorporate the Ontario Mutual Life Assurance Co.—(*Mr. Merner.*)
1st R.*, 308.
2nd R.*, 333.
3rd R.*, 521.
Assent, 883.
(57-58 *Vict., cap.* 123.)

(29) An Act to again revive and further amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Co.—(*Mr. Dobson.*)
Introduced*, 229.
2nd R.*, 264.
B. reported from Com., M. (Mr. Dobson) for 3rd R. of B. Point of order (Mr. Vidal); Mr. Dobson *m.* that the B. be read a 3rd time to-morrow, 277. M. agreed to, 277.
3rd R.*, 278.
Assent, 882.
(57-58 *Vict., cap.* 78.)

(30) An Act respecting the Atlantic and Northwestern Railway Co.—(*Mr. MacInnes, Burlington.*)
Introduced*, 276.
2nd R., *m.* (Mr. MacInnes) B. explained, 286. M. agreed to and B. read the 2nd time, 286.
B. reported from Com., with Amt., which concurred in, 309; remarks: Messrs, Dickey, MacInnes (Burlington), 309.
3rd R.*, 321.
Assent, 882.
(57-58 *Vict., cap.* 62.)

(31) An Act respecting the Consumers' Cordage Co. (Limited).—(*Mr. Ogilvie.*)
1st R.*, 426.
2nd R. *m.* (Mr. Ogilvie), 483; remarks: Messrs. Power, Ogilvie, 483; Messrs. Scott, Ogilvie, Boulton, 484; Messrs. Kaulbach, Power, Vidal, 485. M. agreed to on a division, 485.
3rd R. (*m.* by Mr. Allan)*, 613.
Assent, 883.
57-58 *Vict., cap.* 114.)

BILLS—*Continued.*

(32) An Act respecting the Niagara Grand Island Bridge Co.—(*Mr. Ferguson, P.E.I.*)
Introduced*, 321.
2nd R.*, 350.
3rd R. (*m.* by Mr. Dickey)*, 366.
Assent, 882.
(57-58 *Vict., cap.* 99.)

(33) An Act respecting the River St. Clair Railway Bridge and Tunnel Co.—(*Mr. Ferguson, P.E.I.*)
Introduced*, 321.
2nd R.*, 333.
3rd R. (*m.* by Mr. MacInnes, Burlington)*, 366.
Assent, 882.
(57-58 *Vict., cap.* 100.)

(34) An Act respecting the Bell Telephone Company of Canada.—(*Mr. McMillan.*)
Introduced*, 276.
2nd R. *m.* (Mr. McMillan), Bill explained, 286; M. agreed to, 286.
3rd R.*, 321.
Assent, 882.
(57-58 *Vict., cap.* 108.)

(35) An Act to amend the Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada.—(*Mr. Power.*)
1st R.*, 285.
2nd R. *m.* (Mr. Power); remarks: Messrs. Power, Scott, 289. M. agreed to and B. read 2nd time, 289.
3rd R.*, 364.
Assent, 882.
(57-58 *Vict., cap.* 125.)

(36) An Act to incorporate the Canadian Railway Accident Insurance Company.—(*Mr. Clemow.*)
1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481. M. agreed to, 481.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 118.)

(37) An Act to incorporate the Duluth, Nepigon and James' Bay Railway Company.—(*Mr. Perley.*)
Introduced*, 299.
2nd R. (*m.* by Mr. Ferguson, Niagara)*, 310.
3rd R. (*m.* by Mr. Dickey)*, 366.
Assent, 882.
(57-58 *Vict., cap.* 70.)

(38) An Act respecting the Ontario Loan and Debenture Company.—(*Mr. McKindsey.*)
1st R.*, 427.
2nd R.*, 485.
3rd R.*, 614.
Assent, 883.
(57-58 *Vict., cap.* 116.)

(39) An Act respecting the St. Lawrence and Adirondack Railway Company.—(*Mr. Landry.*)
Introduced*, 347.
2nd R.*, 363.
3rd R. (*m.* by Mr. DeBoucherville)*, 384.
Assent, 882.
(57-58 *Vict., cap.* 93.)

(40) An Act to incorporate the Elgin and Havelock Railway Company.—(*Mr. Dever.*)
Introduced*, 347.
2nd R.*, 362.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 72.)

BILLS—*Continued.*

(41) An Act to amend the Acts respecting the Clifton Suspension Bridge Company.—(*Mr. Clemow.*)
Introduced*, 360.
2nd R.*, 408.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 97.)

(42) An Act to incorporate the Canadian Railway Fire Insurance Company.—(*Mr. Clemow.*)
1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481; M. agreed to, 481.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 119.)

(43) An Act to amend the Act respecting the Ladies of the Sacred Heart of Jesus.—(*Mr. Robitaille.*)
Introduced*, 321.
2nd R.*, 333.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 128.)

(47) An Act to revive and amend the Act to incorporate the Brandon and South-western Railway Company.—(*Mr. Lougheed.*)
Introduced*, 347.
2nd R.*, 363.
3rd R. (*m.* by Mr. Perley)*, 384.
Assent, 882.
(57-58 *Vict., cap.* 65.)

(48) An Act respecting the Montreal and Ottawa Railway Company.—(*Mr. MacInnes, Burlington.*)
Introduced*, 347.
2nd R.* *m.* (Mr. MacInnes), 363; remarks respecting object of Bill (Mr. MacInnes), 363; M. agreed to, 363.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 85.)

(49) An Act to incorporate the Welland Power and Supply Canal Company (Limited).—(*Mr. McKindsey.*)
1st R.*, 426.
2nd R.*, 483.
3rd R. (*m.* by Mr. McCallum)*, 580.
Assent, 883.
(57-58 *Vict., cap.* 102.)

(50) An Act to authorize the purchase of the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company (Limited), and to change the name of the latter company to the Dominion Atlantic Railway Company.—(*Mr. Power.*)
Introduced*, 347.
2nd R., *m.* (Mr. Power), 350; Bill explained (Mr. Power), 351; M. agreed to, 350; and Bill read 2nd time, 350.
3rd R.*, 460.
Assent, 882.
(57-58 *Vict., cap.* 69.)

(51) An Act to incorporate the Northern Life Assurance Company of Canada.—(*Mr. Power.*)
1st R.*, 426.
2nd R. *m.* (Mr. Power), 481; M. agreed to, 481.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 122.)

BILLS—*Continued.*

(53) An Act respecting the Calgary Irrigation Co.—(*Mr. Kirchhoffer.*)
Introduced*, 365.
2nd R.*, 408.
Concurrence in Amts. of Private Bs. Com., *m.* (Mr. Perley) and agreed to, 581.
3rd R. (*m.* by Mr. Perley)*, 586.
Assent, 883.
(57-58 *Vict.*, *cap.* 106.)

(54) An Act to make further provision respecting grants of land to members of the Militia Force on active service in the North-west.—(*Mr. Bowell.*)
1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 636; remarks: Messrs. Lougheed, Bowell, Power, 637. M. agreed to, 637.
In Com. of the W.: B. reported from Com. (Mr. Lougheed) without amt., 687.
3rd R., 687.
Assent, 883.
(57-58 *Vict.*, *cap.* 24.)

(56) An Act to incorporate the Dominion Women's Christian Temperance Union.—(*Mr. Vidal.*)
Introduced*, 308.
2nd R. *m.* (Mr. Vidal), 332. M. agreed to, 333; and B. read 2nd time, 333.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict.*, *cap.* 127.)

(57) An Act to incorporate the Gleichen, Beaver Lake and Victoria Railway Company.—(*Mr. Perley.*)
1st R.*, 704.
2nd R.*, 704.
3rd R.*, 727.
Assent, 884.
(57-58 *Vict.*, *cap.* 74.)

(58) An Act to incorporate the Lake Megantic Railway Company.—(*Mr. Ogilvie.*)
1st R.*, 499.
2nd R.*, 526.
3rd R. (*m.* by Mr. MacInnes, Burl.)*, 580.
Assent, 883.
(57-58 *Vict.*, *cap.* 77.)

(59) An Act respecting the Montreal Island Belt Line Railway Company.—(*Mr. Bellerose.*)
1st R.*, 513.
2nd R. *m.* (Mr. Tassé); remarks: Messrs. McCallum, Desjardins, Bellerose, 565; M. agreed to, 565.
2nd R., 565.
B. presented from Com. (Mr. Dickey) with 3 Amts., 603; remarks: Mr. Dickey, 603. *m.* (Mr. Bellerose) that Amts be taken into consideration to-morrow, 604. M. agreed to, 604.
Concurrence in Amts. *m.* (Mr. Tassé), 619; M. agreed to, 619. Amt *m.* (Mr. Drummond), 619; remarks: Mr. Tassé, 619. M. agreed to, 619.
3rd R. *m.* (Mr. Tassé), 621; Amt. *m.* (Mr. Power) restricting elevated line, in city, to passenger traffic, 621-2; remarks: Messrs. Murphy, Kaulbach, Vidal, 622; Messrs. Tassé, Vidal, Kaulbach, 623; Messrs. Vidal, Boulton, Desjardins, 624; Messrs. Vidal, Desjardins, Power, 625; Messrs. Power, Pelletier, Clemow, Scott, 626; division on Amt., which rejected (C. 7, N-C. 30), 627.
Assent, 883.
57-58 *Vict.*, *cap.* 83.)

BILLS—*Continued.*

(60) An Act to incorporate the Cariboo Railway Company.—(*Mr. Reid.*)
1st R.*, 426.
2nd R. *m.* (Mr. Reid), 481; M. agreed to, 481.
2nd R., 481.
3rd R.*, 521.
Assent, 883.
(57-58 *Vict.*, *cap.* 67.)

(62) An Act respecting the Richelieu and Ontario Navigation Company.—(*Mr. Ogilvie.*)
1st R.*, 427.
2nd R. *m.* (Mr. McCallum), 482; M. agreed to, 482.
2nd R., 482.
3rd R., 521.
Assent, 882.
(57-58 *Vict.*, *cap.* 105.)

(63) An Act respecting the Guelph Junction Railway Company.—(*Mr. MacInnes, Burlington.*)
1st R.*, 365.
2nd R.*, 408.
3rd R.*, 460.
Assent, 882.
(57-58 *Vict.*, *cap.* 75.)

(64) An Act respecting the Medicine Hat Railway and Coal Company.—(*Mr. Kirchhoffer.*)
1st R.*, 365.
2nd R.*, 408.
3rd R.*, 460.
Assent, 882.
(57-58 *Vict.*, *cap.* 80.)

(65) An Act to confirm an agreement between the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company, and an agreement between the said companies and the corporation of the city of Ottawa, and to unite the said companies under the name of "The Ottawa Electric Railway Company.—(*Mr. Clemow.*)
1st R.*, 426.
2nd R. *m.* (Mr. Clemow) 480; M. agreed to, 480.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict.*, *cap.* 86.)

(66) An Act to empower the Niagara Falls Suspension Bridge Company to issue debentures and for other purposes.—(*Mr. McKindsey.*)
1st R.*, 426.
2nd R.*, 483.
3rd R. (*m.* by Mr. McCallum)*, 580.
Assent, 883.
(57-58 *Vict.*, *cap.* 98.)

(68) An Act respecting the Montreal Park and Island Railway Company.—(*Mr. Ogilvie.*)
1st R.*, 691.
2nd R. *m.* (Mr. Ogilvie), 691; remarks: Messrs. Power, Ogilvie, 691. M. agreed to, 692.
B. reported from Com. (Mr. Allan) with Amts.; *m.* (Mr. Ogilvie) that Amts. be concurred in, 692. M. agreed to, 692.
3rd R., 692.
Assent, 884.
(57-58 *Vict.*, *cap.* 84.)

(71) An Act to incorporate the New York, New England and Canada Company.—(*Mr. Power.*)
1st R.*, 635.
2nd R. *m.* (Mr. Power), 648; remarks: Mr. Kaulbach, 649. M. agreed to, 649.
3rd R.*, 689.
Assent, 883.
(57-58 *Vict.*, *cap.* 113.)

BILLS—*Continued.*

(72) An Act to consolidate and amend certain Acts relating to the Ottawa and Gatineau Valley Railway Company, and to change the name of the Company to the Ottawa and Gatineau Railway Company.—*(Mr. Clemow.)*

1st R.*, 635.
2nd R. *m.* (Mr. Clemow), 638; M. agreed to, 638.
B. reported from Com. (Mr. Allan) with an Amt., change of name, &c.; *m.* (Mr. Clemow), that Amt. be concurred in, 665; M. agreed to, 665.
3rd R., 665.
Assent, 883.
(57-58 *Vict.*, *cap.* 87.)

(73) An Act respecting the Atlantic and Lake Superior Railway Company.—(*Mr. Ogilvie.*)

1st R.*, 687.
2nd R.*, 691.
B. reported from Com. (Mr. Allan) with an Amt., 692; *m.* (Mr. Ogilvie) that Amt. be concurred in, 692; M. agreed to, 692.
3rd R.*, 692.
Assent, 884.
(57-58 *Vict.*, *cap.* 63.)

(74) An Act to incorporate the Ottawa Electric Company.—(*Mr. Clemow.*)

1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481; M. agreed to, 481.
3rd R.*, 550.
Assent, 883.
(57-58 *Vict.*, *cap.* 111.)

(75) An Act respecting the Chaudière Electric Light and Power Company.—(*Mr. Clemow.*)

1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481; M. agreed to, 481.
3rd R.*, 550.
Assent, 883.
(57-58 *Vict.*, *cap.* 109.)

(77) An Act to incorporate the Dominion Gas and Electric Company.—(*Mr. Bernier.*)

1st R.*, 426.
2nd R. *m.* (Mr. Bernier), 480; M. agreed to, 480.
3rd R.*, 550.
Assent, 883.
(57-58 *Vict.*, *cap.* 110.)

(78) An Act to incorporate the Metis, Matane and Gaspé Railway Company.—(*Mr. Pelletier.*)

1st R.*, 513.
2nd R.*, 565.
3rd R. (*m.* by Mr. Dickey)*, 613.
Assent, 883.
(57-58 *Vict.*, *cap.* 81.)

(79). An Act respecting the St. Catharines and Niagara Central Railway Company.—(*Mr. McKindsey.*)

1st R.*, 631.
2nd. R.*, 632.
3rd R. (*m.* by Mr. McCallum)*, 665.
Assent, 883.
(57-58 *Vict.*, *cap.* 92.)

(80) An Act to revive and amend the Act to incorporate the Rocky Mountain Railway and Coal Company.—(*Mr. Perley.*)

1st R.*, 499.
2nd R.*, 526.
3rd R. (*m.* by Mr. MacInnes, Burlington)*, 580.
Assent, 883.
(57-58 *Vict.*, *cap.* 91.)

BILLS—*Continued.*

(81) An Act respecting the Erie and Huron Railway Company.—(*Mr. McKindsey.*)

1st R.*, 499.
2nd R.*, 526.
3rd R. (*m.* by Mr. Vidal)*, 580.
Assent, 883.
(57-58 *Vict.*, *cap.* 73.)

(82) An Act respecting the Lake Erie and Detroit River Railway Company and the London and Port Stanley Railway Company.—(*Mr. MacInnes, Burlington.*)

1st R.*, 692.
2nd R.*, 692.
3rd R.*, 705.
Assent, 884.
(57-58 *Vict.*, *cap.* 76.)

(84) An Act to incorporate the Alliance of the Reformed Baptist Church of Canada and the several churches connected therewith.—(*Mr. Perley.*)

1st R.*, 426.
2nd R. *m.* (Mr. McClelan), 527; remarks: Messrs. Bowell, McClelan, Power, 527; M. agreed to, 527.
B. presented (Mr. Dever) from Private Bs. Com., with Amts., 615; *m.* (Mr. McClelan), that Amts. be concurred in to-morrow, 615; M. agreed to, 615.
Concurrence in Amts. *m.* (Mr. McClelan), 619; M. agreed to, 620.
3rd R. 620.
Assent, 883.
(57-58 *Vict.*, *cap.* 126.)

(85) An Act to incorporate the Boynton Bicycle Electric Railway Company.—(*Mr. Read.*)

1st R.*, 687.
2nd R.*, 704.
B. reported from Ry. Com. (Mr. Allan), with an Amt.; concurrence in Amt. *m.* (Mr. Read), and agreed to, 705.
3rd R.*, 727.
Amt. of Senate disagreed to by H. of C.; *m.* (Mr. Read, Quinté), that Senate do not insist on Amt., 864; agreed to, 864.
Assent, 883.
(57-58 *Vict.*, *cap.* 64.)

(90) An Act to provide for the examination of witnesses on oath by the Senate and House of Commons.—(*Mr. Angers.*)

Introduced*, 364.
2nd R. *m.* (Mr. Angers), 364; remarks: Mr. Power, respecting inaccuracies in language of B., 364; M. agreed to, 364.
M. (Mr. Angers) into Com. of the W., 364; remarks: Messrs. Power, Angers, 365; M. agreed to, 365.
In Com.: Messrs. Angers, Power, Vidal, Allan, respecting change of words in clause, 365; cl. amended and adopted, 365; Mr. Desjardins, from Com., reported B. with Amts., 365.
Consideration of Amts. made in Com. of the W. on B., 407; remarks: Messrs. Power, Bowell, 407.
M. (Mr. Angers), that Amts. be concurred in, 407; remarks: Mr. Power, 407; Messrs. Angers, Power, 408; M. agreed to, 408.
B. read 3rd time and passed, 408.
Assent, 883.
(57-58 *Vict.*, *cap.* 16.)

BILLS—*Continued.*

(97) An Act respecting the Seigniory of Sault St. Louis.—(*Mr. Angers.*)
1st R.*, 635.
2nd R. *m.* (Mr. Angers), 638; M. agreed to, 638.
In Com. of the W. and reported from Com. (Mr. DeBlois) without amt.*, 664.
3rd R., 664.
Assent, 883.
(57-58 *Vict., cap.* 25.)

(99) An Act respecting the St. Lawrence Insurance Company.—(*Mr. Clemow.*)
1st R.*, 631.
2nd R.*, 632
3rd R. (*m.* by Mr. Ogilvie)*, 665.
Assent, 883.
(57-58 *Vict., cap.* 124.)

(100) An Act to incorporate the French River Boom Company (Limited).—(*Mr. Clemow.*)
1st R.*, 692.
2nd R.*, 692.
3rd R.*, 744.
Assent, 884.
(57-58 *Vict., cap.* 107.)

(101) An Act to incorporate the Alberta Southern Railway Company.—(*Mr. Power.*)
1st R.*, 499.
2nd R. (*m.* by Mr. Perley)*, 580.
3rd R. (*m.* by Mr. MacInnes, Burlington)*, 619.
Assent, 883.
(57-58 *Vict., cap.* 61.)

(104) An Act to repeal the Homestead Exemption Act.—(*Mr. Angers.*)
1st R.*, 615.
2nd R. *m.* (Mr. Angers), 620; remarks: Messrs. Power, Angers, 620. M. agreed to, 620.
In Com. of the W. and reported from Com. (Mr. Dever), without amt.*, 627.
3rd R., 627.
Assent, 883.
(57-58 *Vict., cap.* 29.)

(106) An Act further to amend the law relating to holidays.—(*Mr. Bowell.*)
1st R.*, 615.
2nd R. *m.* (Mr, Bowell), 620; remarks: Mr. Desjardins, 620. M. agreed to, 620; *m.* (Mr. Bowell) that B. be read at length at the Table, 620. M. agreed to, 620.
3rd R., 620.
Assent, 883.
(57-58 *Vict., cap.* 55.)

(113) An Act to amend the Inspection of Ships Act.—(*Mr. Bowell.*)
1st R.*, 427.
2nd R. *m.* (Mr. Bowell), 465; remarks: Messrs. Macdonald (B C.), Bowell, Almon, 465. M. agreed to, 465.
2nd R., 465.
In Com. of the W.; on 1st cl.; remarks: Messrs. Kaulbach, Bowell, 496. B. reported from Com. (Mr. McMillan), without amt., 496.
3rd R.*, 496.
Assent, 882.
(57-58 *Vict., cap.* 45.)

(117) An Act respecting the Units of Electrical Measure.—(*Mr. Bowell.*)
1st R.*, 639.
2nd R., *m.* (Mr. Angers), 699; Motion agreed, to, 699.

BILLS—*Continued.*

In Com. of the W.: Messrs. Angers, Clemow, 863; Messrs. Kaulbach, MacInnes (Burlington), 864; B. reported (Mr. Desjardins) without amt., 864.
3rd R., 864.
Assent, 884.
(57-58 *Vict., cap.* 38.)

(118) An Act respecting the Inspection of Electric Light.—(*Mr. Bowell.*)
1st R.*, 676.
2nd R. *m.* (Mr. Angers), 693; remarks: Mr. Scott, 693; Messrs. Angers, Scott, Allan, 694; Messrs. Clemow, Angers, Power, 695; Kaulbach, Power, McInnes, Angers, 696; Messrs. McInnes, Angers, 697; Messrs. MacInnes (Burlington), Perley, Primrose, 698; Messrs. McInnes, Primrose, Power, 699. M. agreed to 699.
In Com. of the W.; remarks: Messrs. Angers, Power, Clemow, 741; Messrs. Drummond, Angers, Kaulbach, Dever, Clemow, Ogilvie, 742. On cl. 3: Messrs. Power, Angers, Scott, Reesor, 743. Cl. adopted, 743.
On cl. 4: Messrs. Power, Drummond, 743. Cl. adopted, 743.
On cl. 5: Messrs. Drummond, Clemow, Angers, Power, Sullivan, and Amt. *m.* (Mr. Drummond), 743; Amt. agreed to, and clause as amended adopted, 743. Mr. Ogilvie, from Com., reported progress, and asked leave to sit again, 743.
In C. of the W., resumed: on cl. 4, Messrs. Drummond, Angers, 745; Messrs. Lougheed, Angers, 746. Cl. adopted, 746.
On cl. 7: Messrs. Angers, Power, Drummond, 746. Cl. adopted, 746.
On cl. 12: Messrs. Clemow, Angers, 746. Amt. *m.* (Mr. Power), 746. Amt. agreed to, 746.
On cl. 15: Messrs. Drummond, Angers; Amt. *m.* (Mr. Drummond), 746. Cl. as amd. was adopted, 746.
On cl. 16: Messrs. Lougheed, Kaulbach, Angers, 746; Messrs. Power, Lougheed, Drummond, 747. Cl. adopted, 747.
On cl. 19: Messrs. Lougheed, Clemow, Drummond, 747; Amt. *m.* (Mr. Angers) and agreed to, 747. Cl. as amended was adopted, 747.
On cl. 23: Amt. *m.* (Mr. Drummond), and remarks: Messrs. Sullivan, Drummond, Lougheed, 747. Amt. agreed to, and cl. as amended was adopted, 747.
On cl. 37: Messrs. Clemow, Sullivan, Drummond, 747; Power, Lougheed, Clemow, Drummond, 748. Cl. adopted, 748. B. reported from Com. (Mr. Ogilvie) with Amts., which concurred in, 748.
3rd R.*, 751.
Assent, 884.
(57-58 *Vict., cap.* 39.)

(121) An Act to amend and consolidate the Act respecting the North-west Mounted Police Force.—(*Mr. Bowell.*)
1st R.*, 631.
2nd R. *m.* (Mr. Bowell), 632-3. Explanation of B., 632-3. Remarks: Messrs. Lougheed, Bowell, 633. M. agreed to, 634.
In Com. of the W.; remarks: Mr. Angers, 645. On 4th cl., remarks as to pay, etc.: Messrs. Almon, Power, 645; Messrs. Angers, Power, 646; Messrs. Allan, Angers, 647. Cl. adopted, 647.
On cl. 5: Messrs. Scott, Angers, Kaulbach, 647. Cl. adopted, 647.
On cl. 6: Messrs. Power, Angers, Ogilvie, 647. Cl. adopted, 647.

BILLS—*Continued.*

On cl. 9: Messrs. Power, Lougheed, Dever, Angers, Scott, 648. B. report d from Com. (Mr. Macdonald, B.C.) without amt., 648.
3rd R. *m.* (Mr. Angers), 674. M. agreed to, 674.
Assent, 883.
(57-58 *Vict., cap.* 27.)

(122) An Act further to amend the Petroleum Inspection Act.—(*Mr. Angers.*)
1st R.*, 687.
2nd R. *m.* (Mr. Angers), 689; remarks: Messrs. Power, Vidal, Angers, Dever, 689; Messrs. Dever, Kaulbach, Power, Angers, Sullivan, 690; Messrs. Dever, Angers, 691; M. agreed to, 691.
In Com. of the W.; on cl. 1; remarks: Messrs. Power, Sullivan, 700; Messrs. Power, Sullivan, Angers, 701; cl. adopted, 701.
On cl. 5: Messrs. Power, Angers, 701; Messrs. Angers, Kaulbach, Power, 702; B. reported from Com. (Mr. Desjardins), without amt., 702.
3rd R. 702.
Assent, 883.
(57-58 *Vict., cap.* 40.)

(123) An Act in restraint of Fraudulent Sale or Marking.—(*Mr. Angers.*)
1st R.*, 686.
2nd R. *m.* (Mr. Angers), 699; remarks: Messrs. Sullivan, Angers, 699. M. agreed to, 700.
In Com. of the W.; on the schedule: Amt. *m.* (Mr. Angers), and agreed to, 799; Mr. Kaulbach, Amt. *m.* (Mr. Angers), and agreed to, 799; B. reported from Com. (Mr. Boulton), with an Amt., which concurred in, 799.
3rd R.*, 800.
Assent, 884.
(57-58 *Vict., cap.* 37.)

(124) An Act further to amend the Cullers' Act.—(*Mr. Angers.*)
1st R.*, 635.
2nd R.*, 635.
In Com. of the W.: Messrs. Angers, Power, 686; cl. adopted, 686; B. reported from Com. (Mr. Ogilvie), without amt., 686.
3rd R., 686.
Assent, 883.
(57-58 *Vict., cap.* 52.)

(125) An Act further to amend the General Inspection Act.—(*Mr. Bowell.*)
1st R.*, 427.
2nd R. *m.* (Mr. Bowell), 464; M. agreed to, 465.
2nd R., 465.
In Com. of the W., 487.
On 2nd cl.; remarks: Messrs. Dickey, Bowell, respecting quality of hay, 487; Messrs. McCallum, Bowell, Ogilvie, McClelan, 488; Messrs. Bowell, McClelan, Read, Ogilvie, Robitaille, Sir Frank Smith, Allan, Dever, respecting quality, sort, and color of hay, 489; Messrs. Dever, McCallum, Power, McClelan, 490; Messrs. Perley, Sir Frank Smith, McCallum, Power, 491; Messrs. Reesor, Dever, 492; Messrs. Read, Angers, Bowell, 493; Messrs. Ogilvie, Dever, Bowell, Power, Ferguson (P.E.I.), 494; Sir Frank Smith, Ferguson, Read, Bowell, Power, Kaulbach, Reesor, 495; Messrs. Reesor, McKay, McCallum, Read, 496.
Again in Com., 524. On 2nd cl., remarks: Mr. Bowell, 524; Messrs. Power, Bowell, Kaulbach, Dickey, 525; Messrs. Dever, McClelan, Bowell, Power, Kaulbach, 526.

BILLS—*Continued.*

On sub-section, (Mr. Power), 526; B. reported from Com. (Mr. McKay), with Amts., which concurred in, 526.
3rd R.*, 550.
Assent, 883.
(57-58 *Vict., cap.* 36.)

(126) An Act further to amend the Criminal Code, 1892.—(*Mr. Angers.*)
1st R.*, 692.
2nd R.*, 704.
In Com. of the W.; on the schedule; remarks: Messrs. Power, Angers, Lougheed, 748; and Amt. *m.* (Mr. Power), 748; Messrs. Power, Lougheed, Angers, 749; Amt. agreed to, 749.
On section 662: Messrs. Power, McKindsey, Angers, Ogilvie, Lougheed, 749; Messrs. Kaulbach, McKindsey, 750; Messrs. Power, McKindsey, Angers, Kaulbach, 751; cl. adopted, 751.
On amt. to section 871: Messrs. Lougheed, Angers, Power, 751; cl. adopted, 751; B. reported from Com. (Mr. Boulton), with an Amt., which concurred in, 751.
3rd R. *m.* (Mr. Angers), 751; remarks: Messrs. McKindsey, Angers, Kaulbach, Clemow, Power, 752; Messrs. Kaulbach, McKindsey, Angers, Power, Poirier, 753; Messrs. Angers, McKindsey, Dever, 754; M. agreed to, 754.
Assent, 884.
(57-58 *Vict., cap.* 57.)

(127) An Act to amend the Consolidated Revenue and Audit Act.—(*Mr. Bowell.*)
1st R*., 635.
2nd R. *m.* (Mr. Bowell), 637; remarks: Messrs. Scott, Bowell, 637; M. agreed to, 637.
In Com. of the W.; on 1st cl.; remarks: Messrs. Power, Angers, 660; cl. adopted, 660.
On subsection 6, cl. 1: Mr. Power, 660; Messrs. Angers, Power, Lougheed, 661; Messrs. Angers, Lougheed, Power, Dever, 662; Messrs. Angers, Power, Dever, 663; Macdonald (Victoria), Dever, Angers, Kaulbach, 664; sub-cl. agreed to, 664; B. reported from Com. (Mr. Read, Quinté), without amt., 664.
3rd R., 664.
Assent, 883.
(57-58 *Vict., cap.* 19.)

(128) An Act further to amend the Dominion Elections Act.—(*Mr. Angers.*)
1st R., 864.
2nd R. *m.* (Mr. Angers) and agreed to, 864.
In Com. of the W.; on cl. 1: Messrs. Power, Angers, Kaulbach, 869; cl. adopted, 869.
On cl. 4: Mr. Power, 869; cl. adopted, 869; B. reported (Mr. Clemow), without amt., 869.
3rd R., 869.
Assent, 884.
(57-58 *Vict., cap.* 13.)

(129) An Act further to amend the Revised Statutes respecting Interest.—(*Mr. Bowell.*)
1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 635; remarks: Messrs. Kaulbach, Scott, Bowell, Angers, Dever, Power, 636; M. agreed to, 636.
In Com. of the W.; on 4th cl.; remarks: Messrs. Power, Angers, 660; cl. adopted, 660; B. reported from Com. (Mr. Sullivan), without amt., 660.
3rd R., 660.
Assent, 883.
(57-58 *Vict., cap.* 22.)

BILLS—*Continued.*

(130) An Act further to amend the Act respecting certificates to Masters and Mates of Ships.—(*Mr. Bowell.*)
1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 638; remarks: Messrs. Kaulbach, Bowell, 639; M. agreed to, 639.
In Com. of the W., 676; on 8th cl.; Messrs. Power, Vidal, 677; cl. adopted, 677; B. reported from Com. (Mr. Bolduc), without amt., 677.
3rd R., 677.
Assent, 883.
(57-58 *Vict., cap.* 42.)

(131) An Act to incorporate the Nova Scotia Steel Company, (Limited).—(*Mr. McKay.*)
1st R.*, 639.
2nd R. *m.* (Mr. McKay), 664; M. agreed to, 664.
3rd. R.*, 689.
Assent, 883.
(57-58 *Vict., cap.* 117.)

(132) An Act respecting the Cobourg, Northumberland and Pacific Railway Company.—(*Mr. MacInnes, Burlington.*)
1st R.*, 687.
2nd R.*, 702.
3rd R.*, 727.
Assent, 884.
(57-58 *Vict., cap.* 68.)

(134) An Act respecting the utilization of the waters of the North-west Territories for irrigation and other purposes.—(*Mr. Angers.*)
1st R.*, 676.
2nd R. *m.* (Mr. Angers), 679; M. agreed to, 679.
In Com. of the W.: Messrs. Angers, Scott, 681.
On cl. 2: Mr. Lougheed, 681; sub.-cl. allowed to stand, 681.
On cl. 4: Mr. Power, 681; Messrs. Lougheed, Bernier, Angers, Scott, 682; Messrs. Bernier, Lougheed, Angers, Kaulbach, Power, 683; Messrs. Lougheed, Angers, Power, 684. cl. adopted, 684.
On section 8: Messrs. Lougheed, Vidal, 684; Messrs. Angers, Lougheed, Power, Vidal, Scott, 685; Amt. *m.* (Mr. Power), 685; cl. as amended was adopted, 685.
On cl. 12: Messrs. Lougheed, Power, Angers, 686; Messrs. Angers, Lougheed, 686; cl. adopted, 686.
On cl. 29: Messrs. Lougheed, Angers, 686; cl. adopted, 686; Mr. Macdonald (B.C.), from Com., reported progress, and asked leave to sit again, 686.
In Com. of the W., resumed; B. reported from Com. (Mr. Macdonald), with Amts., which concurred in, 686.
3rd R.*, 686.
Assent, 884.
(57-58 *Vict., cap.* 30.)

(135) An Act to consolidate and amend the Acts respecting the duties of Customs.—(*Mr. Bowell.*)
1st R. *m.* (Mr. Bowell), and agreed to, 869.
2nd R. *m.* (Mr. Bowell), 870; remarks: Mr. Power), 870-873; Messrs. Scott, Bowell, 873; Mr. Bowell, 874; Messrs. Power, Bowell, 875; Mr. Power, 875-7; Messrs. Power, Bowell, Boulton, 877; Messrs. McMillan, Bowell, Boulton, Scott, 878; Messrs. Bowell, Boulton, McMillan, 879; Messrs. Power, Boulton, Clemow, 880; Messrs. Power, Clemow, Boulton, Bowell, 881; M. agreed to, 882.
3rd R. *m.* (Mr. Bowell), and agreed to, 882.
Assent, 884.
(57-58 *Vict., cap.* 33.)

BILLS—*Continued.*

(137) An Act further to amend the Steamboat Inspection Act.—(*Mr. Bowell.*)
1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 637; remarks: Messrs. Kaulbach, Bowell, 638; M. agreed to, 638
3rd R.*, 676.
Assent, 883.
(57-58 *Vict., cap.* 46.)

(138) An Act to incorporate the Montreal, Ottawa and Georgian Bay Canal Company.—(*Mr. Clemow.*)
1st R.*, 692.
2nd R.*, 692.
3rd R.*, 705.
Assent, 884.
(57-58 *Vict., cap.* 103.)

(139) An Act to incorporate the Pontiac and Ottawa Railway Company.—(*Mr. Clemow.*)
1st R.*, 687.
2nd R. *m.* (Mr. Clemow), 704; M. agreed to, 704.
3rd R.*, 726.
Assent, 884.
(57-58 *Vict., cap.* 88.)

(143) An Act further to amend the Electoral Franchise Act.—(*Mr. Bowell.*)
1st R.*, 869.
2nd R.*, 869.
3rd R.*, 869.
Assent, 884.
(57-58 *Vict., cap.* 12.)

(145) An Act further to amend the Fisheries Act—(*Mr. Angers.*)
1st R.*, 692.
2nd R. *m.* (Mr. Angers), 704. Remarks: Mr. Power, 704. M. agreed to, 704.
In Com. of the W., remarks: Mr. Angers, 705; Messrs. Kaulbach, Angers, Macdonald (B.C.), 706. On 3rd cl., Mr. Power, 706; Messrs. Angers, Power, 707. Cl. adopted, 707.
On 5th cl.: Messrs. Power, Allan, 707; Messrs. Kaulbach, Power, Angers, Reesor, Primrose, 708; and Amt. *m.* (Mr. Power), 708, which declared lost, 708.
On sub-cl. 5: Mr. Power, 708; Messrs. Angers, Power, Kaulbach, Primrose, Boulton, 709; Amt. *m.* (Mr. Power), 710. Amt. declared lost, 710.
On sub-cl. 10: Messrs. Power, Angers, Kaulbach, Allan, 710; Messrs. Power, Sir Frank Smith, Reesor, 711; Messrs. Power, Reesor, Robitaille, Sir Frank Smith, Kaulbach, 712; Sir Frank Smith, Power, Angers, Primrose, The Speaker, Kaulbach, Lougheed, 713; Mr. Kaulbach, 714. Sub-cl. adopted, 714.
On sub-cl. 11: Messrs. Power, Angers, 714. Sub-cl. adopted, 714.
On sub-cl. 12: Messrs. Power, Reesor, Dever, 714; Messrs. Allan, Primrose, Sir Frank Smith, Reesor, Poirier, 715; Messrs. Power, Poirier, Lougheed, Dever, Primrose, 716; cl. adopted, 716.
On cl. 4: Mr. Power, 716; Messrs. Kaulbach, Angers, Power, Dever, 717; Messrs. Dever, Power, Kaulbach, Poirier, Lougheed, 718; Messrs. Kaulbach, Angers, Dever, Power, Poirier, 719; Messrs. Angers, Dever, 720. Cl. postponed, 720.
On cl. 6: Mr. Clemow, 720; Messrs. Kaulbach, Poirier, Angers, 721; Messrs. Angers, Power, Perley, 722; Messrs. Kaulbach, Angers, Clemow, Allan, Power, Lougheed, 723; Messrs. Clemow, Power, Sir Frank Smith,

BILLS—*Continued.*

Kaulbach, Allan, 724; Messrs. Angers, Clemow, Kaulbach, 725; (Mr. Macdonald, B.C.), from Com., reported progress, and asked leave to sit again, 725.

In Com. of the W., resumed: Messrs. Angers, Power, Kaulbach, 727; Messrs. Angers, Kaulbach, Dever, Power, 728; Amt. *m.* (Mr. Power), 728; Messrs. Angers, Dever, Power, 729; Amt. adopted, 729; Messrs. Angers, Dever, Perley, 729; Messrs. Clemow, Angers, Kaulbach, 730; Messrs. Scott, Angers, 731; Messrs. Ogilvie, Scott, 732; Messrs. Angers, Clemow, 733; Messrs. Dever, Power, Angers, Primrose, 734; Messrs. Angers, Primrose, Clemow, Reesor, Sir Frank Smith, Dever, Kaulbach, 735; cl. adopted, 735.

On cl. 8: Mr. Power, 735; Messrs. Angers, Power, Dever, Kaulbach, 736; Mr. Angers, 737; cl. adopted, 737.

On cl. 9: Messrs. Power, Reesor, Kaulbach, Angers, 737; Messrs. Power, Angers, Kaulbach, Drummond, Primrose, 738; Messrs. Scott, Power, Ogilvie, Primrose, Angers, 739; Messrs. Clemow, Scott, Angers, Kaulbach, Power, Dever, 740; B. reported from Com. (Mr. Perley), with Amts., which concurred in, 740.

Notice of M. (Mr. Angers), 740; Amt. *m.* (Mr. Power), 740; remarks: Messrs. Clemow, Angers, Power, 740. M. agreed to, 740.

3rd R. *m.* (Mr. Angers), 744; Amt. *m.* (Mr. Power), 744; remarks: Mr. Kaulbach, 744; Mr. Angers, 745; Amt. agreed to, 745. Amt. *m.* (Mr. Power), 745; remarks: Mr. Angers, 745; Amt. declared lost on division, 745. B. as amd. was read 3rd time and passed.

Assent, 884.

(57-58 *Vict.*, *cap.* 51.)

(147) An Act respecting a certain Treaty between Her Britannic Majesty and the President of the French Republic—(*Mr. Angers.*)

1st R.*, 725.

2nd R. *m.* (Mr. Angers), 754. Debate: Messrs. Power, Dever, Angers, 755; Messrs. Sullivan, Angers, McMillan, Lougheed, 756; Messrs. Dever, Angers, Tassé, Boulton, McCallum, 757; Messrs. Power, Angers, Boulton, Clemow, Tassé, 758; Messrs. Tassé, Angers, Poirier, Boulton, Power, 759; Messrs. Boulton, Angers, McCallum, Desjardins, 760; Messrs. Kaulbach, Scott, McCallum, 762; Messrs. Scott, Tassé, Power, Angers, Boulton, Dever, Sir Frank Smith, 763; Messrs. Angers, Scott, Dever, Drummond, Boulton, 764; Messrs. Drummond, Scott, Angers, Price, Robitaille, Sir Frank Smith, 765; Messrs. Scott, Tassé, Angers, Ogilvie, Desjardins, Sir Frank Smith, 766.

Amt. *m.* (Mr. Boulton) to return Treaty to Imperial Govt. for further negotiations, 767; remarks and debate: Messrs. Boulton, Angers, Kaulbach, 767; Messrs. Kaulbach, Boulton, Angers, Dever, Sir Frank Smith, 769; Messrs. Angers, Boulton, Dever, Power, Kaulbach, 770; Messrs. Boulton, Dever, Sir Frank Smith, 771; Messrs. Angers, Boulton, Dever, 773; Messrs. Angers, Boulton, 774.

Debate resumed: Mr. Boulton, 774; Messrs. Dever, Boulton, Kaulbach, 775; Messrs. Dever, Boulton, 776-7; Messrs. Kaulbach, Boulton, 778; Messrs. Power, Kaulbach, 779; Messrs. Angers, Kaulbach, 780; Messrs. Boulton, Kaulbach, Dever, 781; Messrs. Power, Angers, Dever, 782; Messrs. Boulton, Dever, Drummond, 783; Messrs. Boulton, Drummond, 784; Messrs. Tassé, Boulton, Drummond, 785; Messrs. Angers, Dever, Drummond, Power, 786; Messrs. Burns, Power, Angers, 787; Messrs. Power, Boulton, Burns, 788; Messrs. Burns, Boulton, Angers, 790; Messrs. Read (Quinté), Boulton, Angers, Power, Sir Frank Smith, 791; Messrs. Ogilvie, Power, Angers, Dever, 792; Messrs. Burns, Power, 793; Messrs. Power, Poirier, 794; amt. of Mr. Boulton was rejected on a division (C. 5, N.-C. 30), 795; Messrs. McCallum, Angers, 795; Messrs. McCallum, Kaulbach, Sir Frank Smith, 796; Messrs. McCallum, Kaulbach, 797, 798.

Amt. *m.* (Mr. McCallum) for 6 months' "hoist," which rejected on a division (C. 5, N.-C. 28), 798.

In Com. of the W.; on schedule "A": Mr. Power, 823; Mr. Angers, 824; schedule adopted, 824; remarks: Messrs. Scott, Angers, McCallum, Dever, 824; Messrs. Kaulbach, McCallum, Angers, 825; B. reported (Mr. Desjardins) without amt., 825.

3rd R. *m.* (Mr. Angers), 840; remarks: Mr. Tassé, 840-2; Messrs. Boulton, Tassé, Power, Burns, 842; Mr. Angers, 843; *m.* (Mr. Angers) that debate be adjourned, 843; M. agreed to, 843.

Debate resumed, 843; Mr. Tassé, 843-4; Messrs. Power, Tassé, 844; Messrs. Boulton, Tassé, 845; Messrs. Boulton, Tassé, Bowell, Kaulback, 846; Messrs. Snowball, Tassé, 847; Messrs. Boulton, Tassé, Power, 848; Messrs. Angers, Tassé, Bowell, 849; Mr. Tassé, 849-52; M. agreed to, 852.

3rd R., 852.

Assent, 884.

(57-58 *Vic.*, *cap.* 2.)

(149) An Act further to amend the Acts respecting the North-west Territories.—(*Mr. Angers.*)

1st R.*, 825.

2nd R.*, 854.

In Com. of the W., on cl. 2; remarks: Messrs. Power, Angers, 858; Mr. Angers, 859; Amt. *m.* (Mr. Kaulbach), and agreed to, 859; cl. adopted, 859.

On cl. 16: Mr. Power, 859; Amt. *m.* (Mr. Angers), and cl. as amended adopted, 859.

On cl. 17: Messrs. Power, Angers, and Amt. *m.* (Mr. Angers), and cl. as amended, adopted, 859.

Bill reported (Mr. Clemow) with Amts., 859.

3rd R., 859.

Assent, 884.

(57-58 *Vict.*, *cap.* 17.)

(150) An Act respecting certain subsidies granted to the Government of the Province of Quebec by chapter 8 of the Statutes of 1884.—(*Mr. Angers.*)

1st R.*, 664.

2nd R.*, 679.

3rd R.*, 679.

Assent, 883.

(57-58 *Vict.*, *cap.* 5.)

(151) An Act respecting the Common School Fund.—(*Mr. Angers.*)

1st R.*, 664.

2nd R.*, 679.

3rd R.*, 679.

Assent, 883.

(57-58 *Vict.*, *cap.* 3.)

BILLS—*Continued.*

(154) An Act further to amend the Acts respecting the Civil Service.—(*Mr. Angers.*)
1st R.*, 687.
2nd R.*, 691.
In Com. of the W., Bill reported (Mr. Vidal) without amt., 702.
3rd R.*, 702.
Assent, 883.
(57-58 *Vict., cap.* 18.)

(155) An Act further to amend the Act respecting the Judges of Provincial Courts.—(*Mr. Angers.*)
1st R.*, 687.
2nd R. *m.* (Mr. Angers), 691; M. agreed to, 691.
In Com. of the W., on 2nd cl.; remarks: Messrs. Kaulbach, Angers, 702; Messrs. Dever, Power, Kaulbach, 703; Messrs. Dever, Angers, Kaulbach, Power, 704; Bill reported from Com. (Mr. Sullivan) without amt., 704.
3rd R., 704.
Assent, 883.
(57-58 *Vict., cap.* 56.)

(157) An Act to again revive and further amend the Act to incorporate the Brockville and New York Bridge Company.—(*Mr. Clemow.*)
1st R.*, 704.
2nd R.*, 704.
3rd R.*, 727.
Assent, 884.
(57-58, *Vict., cap.* 89.)

(158) An Act further to amend the Inland Revenue Act.—(*Mr. Angers.*)
1st R.*, 825.
2nd R. *m.* (Mr. Bowell) and agreed to, 852.
In Com. of the W., on 1st cl., remarks: Mr. Bowell, cl. adopted, 852.
On 2nd cl.: Messrs. Bowell, Dever, 852; cl. adopted, 853.
On cl. 4: Messrs. Bowell, Power, Dever, 853; Messrs. Dever, Bowell, 854; cl. adopted, 854; Bill reported from Com. (Mr. Snowball) with an Amt., which concurred in, 854.
3rd R., 854.
Assent, 884.
(57-58 *Vict., cap.* 35.)

(159) An Act respecting the land subsidy of the Canadian Pacific Railway Company.—(*Mr. Bowell.*)
1st R.*, 840.
2nd R. *m.* (Mr. Bowell), 854; M. agreed to, 854.
In Com. of the W., Bill reported (Mr. Snowball) without amt., 854.
3rd R., 854.
Assent, 884.
(57-58 *Vict., cap.* 7.)

(160) An Act respecting Dominion Lands.—(*Mr. Angers.*)
1st R.*, 774.
2nd R., *m.* (Mr. Angers), 798; remarks: Messrs. Lougheed, Angers, Power, 799; M. agreed to, 799.
3rd R. *m.* (Mr. Angers), 799; M. agreed to, 799.
Assent, 884.
(57-58 *Vict., cap.* 26.)

(161) An Act further to amend the Acts respecting Ocean Steamship Subsidies.—(*Mr. Angers.*)
1st R.*, 774.
2nd R. *m.* (Mr. Angers), 800; debate: Messrs. Angers, Power, 800; Messrs. Power, Angers, Dever, Allan, Ogilvie, 801; Messrs. Scott, Angers, Ogilvie, 802; Messrs. Allan, Scott, Angers, Drummond, Price, 803; Messrs. Price, Scott, Drummond, Clemow, Angers, Boulton, 804; Messrs. Power, Boulton, 805; Mr. Dever, 806; Messrs. Clemow, Angers, 807; Messrs. Power, Clemow, Kaulbach, 808; Messrs. Power, Angers, 809; Messrs. Drummond, Power, Angers, 810; Messrs. MacInnes (Burlington), Kaulbach, Power, 812; Messrs. Kaulbach, Power, Price, 813; Messrs. McCallum, Power, Angers, Kaulbach, 814; Messrs. Power, Angers, Kaulbach, 815; Messrs. McCallum, Power, Sir Frank Smith, 816; Messrs. Read (Quinté), Kaulbach, McCallum, Primrose, Snowball, 817; adjt. of debate *m.* (Mr. Snowball), 817-8; and agreed to, 818.
Debate resumed, 819: Messrs. Snowball, Angers, 819; Mr. Drummond, 820; Messrs. Power, Drummond, Angers, Cochrane, and immediate assent of H. advocated, Mr. Drummond, 821; B. read 2nd time at length on the table, 821; 2nd R., 822.
M. (Mr. Angers), that rule be suspended and that B. be read 3rd time, 822; Messrs. Power, Angers, 823; M. agreed to, and B. read 3rd time and passed, 823.
Assent, 883.
(57-38 *Vict., cap.* 8.)

(164) An Act further to amend the Act respecting the Senate and House of Commons.—(*Mr. Angers.*)
1st R., 838.
2nd R. *m.* (Mr. Angers) and agreed to, 838.
3rd R. *m.* (Mr. Angers), 838; remarks: Mr. Power, 838; Mr. Kaulbach, 839; Messrs. Boulton, McMillan, 840; M. agreed to, and B. passed on a division, 840.
Assent, 884.
(57-58 *Vict., cap.* 10.)

(165) An Act to amend the Act respecting Dominion Notes.—(*Mr. Angers.*)
1st R.*, 840.
2nd R. (*m.* by Mr. Bowell)*, 854.
In Com. of the W.: Mr. Scott, 859-60; Messrs. Bowell, Kaulbach, Scott, 860; B. reported (Mr. Clemow), without amt., 860.
3rd R., 860.
Assent, 884.
(57-58 *Vict., cap.* 21.)

(166) An Act to amend the Act to provide for the allowance of Drawback on certain articles manufactured in Canada for use in the construction of the Canadian Pacific Railway.—(*Mr. Bowell.*)
1st R., 860.
2nd R. *m.* (Mr. Bowell), and agreed to, 860.
3rd R. *m.* (Mr. Bowell), 860; remarks: Mr. Power, 860; Mr. Kaulbach, 861. M. agreed to, 861.
Assent, 884.
(57-58, *Vict., cap.* 34.)

(168) An Act to authorize the granting of subsidies in land to certain Railway Companies.—(*Mr. Bowell.*)
1st R., 861.
2nd R. *m.* (Mr. Bowell), 861. M. agreed to, 862.
In Com. of the W.: Messrs. Power, Bowell, Kaulbach, 862; Messrs. Kaulbach, Scott, 863; B. reported (Mr. Clemow) without amt., 863.
3rd R., 863.
Assent, 884.
(57-58 *Vict., cap.* 6.)

BILLS—*Concluded.*

169) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.—(*Mr. Bowell.*)
1st. R., 864.
2nd R. *m.* (Mr Bowell). 865; remarks: Mr. Power, 865-6; Messrs. Power, Kaulbach, Clemow, 866. M. agreed to, 867.
3rd R., 867.
Assent, 884.
(57-58 *Vict., cap.* 4.)

(170) An Act to provide for the payment of bounties on iron and steel manufactured from Canadian ore.—(*Mr. Bowell.*)
1st R., 867.
2nd R. *m.* (Mr Bowell), 867; remarks: Messrs. Power, Scott, Bowell, 867; Mr. Kaulbach, 868. M. agreed to, 868.
3rd R., 868.
Assent, 884.
(57-58 *Vict., cap,* 9.)

(171) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively the 30th June, 1894, and the 30th June, 1895, and for other purposes relating to the public service.—(*Mr. Bowell.*)
1st R.*, 864.
2nd R.*, 864.
3rd R.*, 864.
Assent, 884.
(57-58 *Vict., cap.* 7.)

**Boards of Trade Incorp. Act Amt.; definition of districts in N.W.T.; B. (FF).**—*Mr. Bowell.*
1st R.*, 426; B. explained (Mr. Bowell) that B. is simply to define what constitutes a district in N.W.T., 426.
2nd R *m.* (Mr. Bowell), 461; M. agreed to, 461.
In Com. of the W.; B. reported from Com. (Mr. Ogilvie) without amt., 485.
3rd R., 485.
Assent, 883.
(57-58 *Vict., cap.* 23.)

Boilers, insurance of, B. *See* "Steam Boiler."

Books, purchase of.
Clement's Constitution and Kingsford's History of Canada.—M. (Mr. Allan) for adoption Library Com. Report, recommending purchase, 309. Remarks as to adoption of Report, pending its going through Commons: Messrs DeBoucherville, Kaulbach, Allan, 309; M. agreed to, 309.
Completion of Law Library. 3rd Report of Internal Economy Com., recommending: adoption *m.*, with remarks (Mr. McKay), 649; Report adopted, 660.

Boston and N.S. Coal and Ry. Co., subsidy. *See:*
"Railways, subsidies to, B."

Bounties, Iron and Steel, B. *See* "Iron and Steel."

——— Beet sugar—referred to on above B.

**Boynton Bicycle Electric Ry. Co. Incorp. B. (85).**—*Mr. Read (Quinté).*
1st R.*, 687.
2nd R.*, 704.
B. reported from Ry. Com. (Mr. Allan), with an Amt.; concurrence in Amt. *m.* (Mr. Read), and agreed to, 705.
3rd R.*, 727.

**Boynton Bicycle Electric Ry. Act—*Contd.***
Amt. of Senate disagreed to by H. of C.; *m.* (Mr. Read, Quinté), that Senate do not insist on Amt., 864; agreed to, 864.
Assent, 883.
(57-58 *Vict., cap.* 64.)

Bracebridge and Baysville Ry., subsidy. *See:*
"Railways, subsidies to, B."

**Brandon and S.W. Ry. Co., Incorp. Act revived; time extended; B. (47).**—*Mr. Lougheed.*
Introduced*, 347.
2nd R.*, 363.
3rd R. (*m.* by Mr. Perley)*, 384.
Assent, 882.
(57-58 *Vict., cap.* 65.)

Brandon and S.W. Ry. Co., land subsidy. *See:*
"Railways, subsidies (land) B."

Brantford, Waterloo and L. Erie Ry., subsidy. *See:*
"Railways, subsidies to, B."

Bribed Voters disfranchisement B. *See* "Voters."

Bridges for C.P.R., drawback, B. *See* "C.P.R."

——— Subsidies, &c. *See* the localities.

British Columbia, Chinese residents in.
Inqy. (Mr. Macdonald, B.C.), whether petition will be granted, extension of time for return from China on certificate, 497.
Reply (Mr. Bowell), Act will not be changed this session, 497.

British Columbia Indians (two), sentence commuted. *See:*
"Death sentence, commutation of."

British Columbia Judges, County Court, salaries. *See:*
"Judges of Provincial Courts."

British Columbia, judgment debts. *See:*
"Interest Act Amt. B."

**Brockville and New York Bridge Co. Incorp. Act revived; time for construction extended; B. (157).**—*Mr. Clemow.*
1st R.*, 704.
2nd R.*, 704.
3rd R.*, 727.
Assent, 884.
(57-58 *Vict., cap.* 89.)

Brockville, Westport and S. Ste. Marie Ry., subsidy. *See:*
"Railways, subsidies to, B."

Buffalo, the extinction of.
Remarks in debate on the Address: Mr. Boulton, 69, 70.
*See also* "N.W.T. Game preservation B."

Cabinet members differing on Govt. B. *See:*
Commons Amts., "Insurance Act further Amt. B."

Cablegrams, through U.S., unreliable. *See:*
"Behring Sea Award and Regulations."

Calgary and Edmonton Ry. Co., leasing powers contained in:
"Edmonton Street Ry. Com. Incorp. B."

**Calgary Irrigation Co.; proceedings of provisional Directors ratified; various sections of Incorp. Act amd.; B. (53).**—*Mr. Kirchhoffer.*
1st R.*, 365.
2nd R.*, 408.
Concurrence in Amts. of Private Bs. Com., *m.* (Mr. Perley) and agreed to, 581.
3rd R. (*m.* by Mr. Perley)*, 586.
Assent, 883.
(57-58 *Vict.*, *cap.* 106.)

**Canada and Michigan Tunnel Co.; time for construction extended; B. (25).**—*Mr. MacInnes, Burlington.*
1st R.*, 229.
2nd R.*, 264.
3rd R.*, 321.
Assent, 882.
(57-58 *Vict.*, *cap.* 101.)

Canada Atlantic Ry., leasing powers, &c. *See:*
"Montreal Isld. Belt Line Ry. Co.'s B."
"St. Lawrence and Adirondack Ry. Co.'s B."

Canada Eastern Ry. (three subsidies). *See:*
"Railways, subsidies to, B."

Canada, Exports of. *See* "Tariff and Trade matters."

Canada Life Assurance Co. *See* Commons Amts. to:
"Insurance Act further Amt. B."

**Canada Southern Ry. Co.; agreement with Michigan Central Railroad Co. confirmed; B. (DD).**—*Mr. MacInnes, Burlington.*
1st R.*, 366.
2nd R.*, 425.
3rd R.*, 521.
Assent, 883.
(57-58 *Vict.*, *cap.* 66.)

—— Bridge, B. *See:*
"St. Clair River Ry. Bridge and Tunnel Co.'s B."

Canada, Trust Corporation. *See:*
"Trust Corporation of Canada, B."

**Canadian Mutual Life Association Incorp. B. (K).**—*Mr. Cochrane.*
1st R.*, 223.
2nd R. *m.* (Mr. Clemow)*, 252.
On Order for consideration of Banking Com. Amts.; remarks: Mr. Allan, 310; M. (Mr. Clemow) to refer B. back to Com., 310; M. agreed to, 310.
B. reported again from Com. (Mr. Allan) with Amts., which explained; amount of insurance; change of name of Co., &c., 361.
3rd R. *m.* (Mr. Clemow)*, 364.
Assent, 883.
(57-58 *Vict.*, *cap.* 120.)

Canadian Pacific Ry. Construction—*referred to in*:
"Hudson Bay Ry. construction B. (—)," debate.

**Canadian Pacific Railway Co.; drawback on manufactured articles for, to include first iron bridges; B. (166).**—*Mr. Bowell.*
1st R., 860.
2nd R. *m.* (Mr. Bowell), and agreed to, 860.
3rd R. *m.* (Mr. Bowell), 860; remarks: Mr. Power, 860; Mr. Kaulbach, 861. M. agreed to, 861.
Assent, 884.
(57-58 *Vict.*, *cap.* 34.)

Canadian Pacific Ry. Co., Freight Rates, Revenue, &c.
M. (Mr. Boulton) for schedule, including St. Paul and Minneapolis to the seaboard, 135. Remarks: Mr. Boulton, 135-140; Messrs. Bowell, Kaulbach, Cochrane, 140; Messrs. Power, Bowell, 141; Messrs. Almon, Power, C.P.R. terminus and acquisition of I.C.R., 142; M. agreed to, 142.
Inqy. (Mr. Boulton) whether above information yet ready, 288. Reply (Mr. Bowell) not yet received, inquiry will be made, 288. (Referred to also in debate on "Hudson Bay route, feasibility of," Inqy. (Mr. Ferguson).
M. (Mr. Boulton) for Return, revenue derived from Western division, Port Arthur to Calgary, 1892 and 1893; also for I.C.R. schedule of rates for comparison, 405. Remarks: Mr. Bowell, caution as to comparisons, &c., 405; M. agreed to, 406.
Remarks (Mr. Clemow) on 2nd R. of new Tariff B., 881.
Remarks (Mr. Power) and reply (Mr. Kaulbach) on 3rd R. of B. to amd. Act, drawback on manufactured articles (bridges) for C.P.R., 861.

—— Land Subsidy. *See:*
"Railway subsidy (land) to C.P.R. Co., B."

Canadian Pacific Ry. Land Subsidy (Pipestone Branch). *See:*
"Railways, subsidies (land) B."

—— Leasing Powers, Connections, &c. *See:*
Alberta Southern Ry. Co. Incorp. B.
Atlantic and N.W. Ry. Co.'s B.
Cariboo Ry. Co. Incorp. B.
Cobourg and Pacific Ry. Co.'s B.
Duluth and James Bay Ry. Co.'s B.
Gleichen, &c., and Victoria Ry. Co.'s B.
Hudson Bay Ry. construction, debates on.
Montreal Island Belt Line Ry. Co.'s B.
Pontiac and Ottawa Ry. Co.'s B.
Rocky Mountain Ry., &c., Co.'s B.
Wolseley and Qu'Appelle Ry. Co. Incorp. B.
Wood Mountain and Qu'Appelle Ry. Co.'s B.

—— Reference to also in Debate on:
"Ocean Steamship subsidies (fast line) B."

Canadian Pacific Ry. Co. Settling the N.W.
Remarks in Com. on Ry. Land Subsidies B.: Messrs. Power, Kaulbach, Scott, 863.

**Canadian Ry. Accident Insurance Co. Incorp. B. (36).**—*Mr. Clemow.*
1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481. M. agreed to, 481.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict.*, *cap.* 118.)

**Canadian Ry. Fire Insurance Co. Incorp. B. (42).**—*Mr. Clemow.*
1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481; M. agreed to, 481.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict.*, *cap.* 119.)

Canadian Statesmen in Imperial Questions.
Remarks in Debate on the Address: Mr. Boulton, 70; Mr. Kaulbach, 53; Mr. McInnes (B.C.), 58-9; Mr. Macdonald (B.C.), 82; Mr. Scott, 70.

Canadian Trade, &c. *See* "Tariff and Trade."

Cape Breton Ry. Extension Co., Subsidy. *See:*
"Railways, subsidies to, B."

Cap de la Magdeleine to C.P.R., Ry. Subsidy. *See:*
"Railways, subsidies to, B."

Caraquet Ry. Connection with Tracadie, Subsidy. *See:*
"Railways, subsidies to, B."

**Cariboo Ry. Co. Incorp. B. (60).**—*Mr. Reid (Cariboo).*
1st R.*, 426.
2nd R. *m.* (Mr. Reid), 481; M. agreed to, 481.
2nd R., 481.
3rd R.*, 521.
Assent, 883.
(57-58 *Vict., cap.* 67.)

Carnot, President, the Funeral of.
Invitation to the Senate to attend, announced (the Speaker); remarks (Mr. Bowell), 635.

Cattle Trade and Shipowners' combines.
Remarks (Mr. Read, Quinté) in *m.* 2nd R. of Trade Combines B., 353.

Caughnawaga Indians. *See* "Sault St. Louis Seigniory B."

Central Ry. Co. of N.B., subsidy. *See:*
"Railways, subsidies to, B."

Central Vermont Ry., leasing powers, &c. *See:*
"St. Lawrence and Adirondack Ry. Co.'s B."

Chaudière Electric Light, &c., B. *See:*
"Ottawa Electric Co. B. (75)."

Chicago Exhibition, 1893.
Remarks in *m.* the Address in reply to Speech from Throne (Mr. Ferguson, P.E.I.): Canada's exhibit, 11, 12; unfair awards, 12. Mr. Boulton: the Manitoba building and Canadian exhibit, 71.

Children, punishment of. *See:*
"New Brunswick, Juvenile Offenders, custody, B."
"Youthful Offenders, separate custody, &c., B."

Chinese residents in British Columbia.
Inqy. (Mr. Macdonald, B.C.) whether Govt. will grant petition, extension of time for return from China on certificate, 497.
Reply (Mr. Bowell), Act will not be changed this session, 497.

**Civil Service Acts further Amt.; Employees of 1882, appointment to permanent service without examination; B. (154).**—*Mr. Angers.*
1st R.*, 687.
2nd R.*, 691.
In Com. of the W., Bill reported (Mr. Vidal) without amt., 702.
3rd R.*, 702.
Assent, 883.
(57-58 *Vict., cap.* 18.)

Clement's Constitution. *See* "Books, purchase of."

**Clifton Suspension Bridge Co.; power to lay tracks; to build another Bridge; to lease Bridges; to issue bonds, &c.; B. (41).**—*Mr. Clemow.*
Introduced*, 360.
2nd R.*, 408.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 97.)

Coal Oil, reduced flash test, tank car importation, &c. *See:*
"Petroleum Inspection Act Amt. B."

Coal Oil Duties—*referred to in debate on:*
"Customs duties (new Tariff) B."
*See also* "Tariff and Trade matters" (generally).

**Cobourg, Northumberland and Pacific Ry. Co.; time for construction extended; leasing agreement with C.P.R. Co., written consent of shareholders only necessary; B. (132).**—*Mr. MacInnes (Burlington).*
1st R.*, 687.
2nd R.*, 702.
3rd R.*, 727.
Assent, 884.
(57-58 *Vict., cap.* 68.)

Colonial M. Life Assn. *See* "Canadian."

Combinations in restraint of Trade. *See:*
"Trade, conspiracies, &c., B."

Commercial Policy. *See* "Tariff and Trade."

Committees, appointment of. *See* "Senate."

——— Procedure of. *See:*
"Order and Procedure."

——— Reports of. *See:*
"Contingent Accts.," "Printing," &c.

**Common School Fund; payment of full amounts due to Ontario and Quebec authorized; B. (151).**—*Mr. Angers.*
1st R.*, 664.
2nd R.*, 679.
3rd R.*, 679.
Assent, 883.
(57-58 *Vict., cap.* 3.)

Companies Act, 1894 (Joint Stock Cos., incorp., &c., new regulations). *See* "Joint Stock Cos."

Conference, Intercolonial.
Reference to, in Speech from Throne, at prorogation, 884.

Consolidated Revenue Act Amt. *See* "Revenue."

Conspiracies in restraint of Trade. *See:*
"Trade, conspiracies, &c., B."

**Consumers' Cordage Co. (Ltd.); powers of issuing preference shares, &c.; B. (31).**—*Mr. Ogilvie.*
1st R.*, 426.
2nd R. *m.* (Mr. Ogilvie), 483; remarks: Messrs. Power, Ogilvie, 483; Messrs. Scott, Ogilvie, Boulton, 484; Messrs. Kaulbach, Power, Vidal, 485. M. agreed to on a division, 485.
3rd R. (*m.* by Mr. Allan)*, 613.
Assent, 883.
57-58 *Vict., cap.* 114.)

Contingt. Accts. Com. *See* "Internal Economy."

Cotton industry. *See* "Tariff and Trade matters."

Counterfeit Silver production.
Remarks in debate on the Address: Mr. McInnes (B.C.), 60; Mr. Smith, 60.

County Court Judges' salaries B. *See* "Judges."

**Criminal Code, 1892; several Amts.; B. (126).**—*Mr. Angers.*
1st R.*, 692.
2nd R.*, 704.
In Com. of the W.; on the schedule; remarks: Messrs. Power, Angers, Lougheed, 748; and Amt. *m.* (Mr. Power), 748; Messrs. Power, Lougheed, Angers, 749; Amt. agreed to, 749.

**Criminal Code, 1892, Amt. Act**—*Continued.*

On section 662: Messrs. Power, McKindsey, Angers, Ogilvie, Lougheed, 749; Messrs. Kaulbach, McKindsey, 750; Messrs. Power, McKindsey, Angers, Kaulbach, 751; cl. adopted, 751.

On amt. to section 871: Messrs. Lougheed, Angers, Power, 751; cl. adopted, 751; B. reported from Com. (Mr. Boulton), with an Amt., which concurred in, 751.

3rd R. *m.* (Mr. Angers), 751; remarks: Messrs. McKindsey, Angers, Kaulbach, Clemow, Power, 752; Messrs. Kaulbach, McKindsey, Angers, Power, Poirier, 753; Messrs. Angers, McKindsey, Dever, 754; M. agreed to, 754.

Assent, 884.

(57–58 *Vict., cap.* 57.)

CRIMINAL LAW, ADMINISTRATION OF.

Death penalty commuted, two B.C. Indians. M. (Mr. McInnes, B.C.) for Reports, Orders in Council, &c., 199. Remarks: Mr. McInnes, 199–201; Mr. O'Donohoe, ques., 201; Mr. McInnes, 201; Messrs. Kaulbach, Angers, 202; Messrs. McInnes, Angers, 203; Messrs. Kaulbach, Angers, Power, McInnes, 204; Messrs. Angers, McInnes, 205. M. agreed to, 205.

Inqy. (Mr. McInnes, B.C.) for the papers, 288. Reply (Mr. Bowell), inqy. will be made for them, 289.

Further inqy. (Mr. McInnes, B.C.) for the papers, 348. Reply (Mr. Angers), Return not yet finished, 348. Remark (Mr. McInnes) 348.

——— *See also:*

"Criminal Code, 1892, Amt. B."

"Montreal Harbour Commissrs. B.," debate on cls. for prevention of theft, &c.

"New Brunswick, Juvenile Offenders, custody, B."

"N.W. Mounted Police Acts consolid. B." (powers of constables in other Provinces).

"N.W.T. Acts further Amt. B."

"N.W.T. Game preservation B.," debate on cls. respecting convictions and penalties.

"Ontario, Houses of Refuge for Females, B."

"Trade, conspiracies in restraint of, B."

"Youthful Offenders, punishment, B."

CROSS CREEK STN. TO STANLEY VILLAGE, RY., SUBSIDY. *See:*

"Railways, subsidies to, B."

**Cullers' Act Amt.; culling not compulsory, except timber for sea exportation; B. (124).**—*Mr. Angers.*

1st R.*, 635.

2nd R.*, 635.

In Com. of the W.: Messrs. Angers, Power, 686; cl. adopted, 686; B. reported from Com. (Mr. Ogilvie), without amt., 686.

3rd R., 686.

Assent, 883.

(57–58 *Vict., cap.* 52.)

CURRENCY (NOTES) INCREASED ISSUE, WITHDRAWAL OF OLD, &C. *See:*

"Dominion Notes Act Amt. B."

CUSTOMS DRAWBACK, ARTICLES FOR C.P.R. *See* "C.P.R."

**Customs duties Acts consolid.; the new Tariff; B. (135).**—*Mr. Bowell.*

1st R. *m.* (Mr. Bowell), and agreed to, 869.

2nd R. *m.* (Mr. Bowell), 870; remarks: Mr. Power), 870–873; Messrs. Scott, Bowell, 873; Mr. Bowell, 874; Messrs. Power, Bowell, 875; Mr. Power, 875–7; Messrs. Power, Bowell, Boulton, 877; Messrs. McMillan, Bowell, Boulton, Scott, 878; Messrs. Bowell, Boulton, McMillan, 879; Messrs. Power, Boulton, Clemow, 880; Messrs. Power, Clemow, Boulton, Bowell, 881; M. agreed to, 882.

3rd R. *m.* (Mr. Bowell), and agreed to, 882.

Assent, 884.

(57–58 *Vict., cap.* 33.)

**Customs duties Acts consolid.**—*Continued.*

Reference to course pursued by Govt. upon this B., in debate on 2nd R. of Electric Light Inspection B.: Opposition criticisms and Govt. replies, 693–699.

Reference to the Tariff B., in Speech from the Throne, at prorogation, 885.

*See also* "Tariff and Trade matters" (generally).

CUSTOMS SEIZURES, LAW-SUITS RESPECTING. *See:*

"Revenues Act Amt. B."

DEATH SENTENCE COMMUTED, INDIANS PETER AND JACK.

M. (Mr. McInnes, B.C.) for Reports, Orders in Council, &c., 199. Remarks: Mr. McInnes, 199–201; Mr. O'Donohoe, ques., 201; Mr. McInnes, 201; Messrs. Kaulbach, Angers, 202; Messrs. McInnes, Angers, 203; Messrs. Kaulbach, Angers, Power, McInnes, 204; Messrs. Angers, McInnes, 205. M. agreed to, 205.

Inqy. (Mr. McInnes, B.C.) for the papers, 288. Reply (Mr. Bowell), inqy. will be made for them, 289.

Further inqy. (Mr. McInnes, B.C.) for the papers, 348. Reply (Mr. Angers), Return not finished yet, 348. Remark: (Mr. McInnes) 348.

DEBATES COMMITTEE.

Adoption of Report of Com. of Selection, for appointment of, *m.* (Mr. Bowell) and agreed to*, 98.

1st Report. Permission for withdrawal requested (Mr. Bellerose) for the substitution of another, 253; agreed to, 253.

2nd Report. Adoption *m.* (Mr. Bellerose) distribution of speeches in galley form; charges for extra copies of Report, 264. Ques. (Mr. Kaulbach) distribution of unrevised edition; reply (Mr. Bellerose) galleys substituted, 265. Ques. (Mr. Miller) fixing of charges for extra copies; reply (Mr. Bellerose) by Queen's Printer, 265. M. agreed to, 265.

DECK-LOAD LAW. *See* "Ships, safety of."

DERBY, THE EARL OF (LATE GOVERNOR GENERAL).

Complimentary remarks.—In *m.* Address in reply to Speech from Throne (Mr. Ferguson, P.E.I.), 7; in speeches thereon: Mr. Boulton, 69; Mr. Bowell, 23.

**Dillon, James St. G., Divorce B. (T).**—*Mr. Ogilvie.*

Report of Divorce Com. presented (Mr. Gowan) reporting personal service, and *m.* that the Report be adopted, 224. M. agreed to, 224.

1st R*, 226.

2nd R. *m.* (Mr. Clemow) for. Remarks: Messrs. Clemow, Bellerose, Dever, 299; Messrs. Lougheed, Miller, Almon, leave to withdraw the Amt., Bellerose, 300. M. agreed to on a division.

Report of Divorce Com. presented (Mr. Gowan), 320; *m.* (Mr. Gowan) that same be taken into consideration on Thursday next, 320; M. agreed to, 320; Minority Report presented (Mr. Kaulbach), 320; *m.* (Mr. Kaulbach) that same be taken into consideration on Thursday next, 320; M. agreed to, 320. Remarks: Messrs. Gowan, Kaulbach, 320; *m.*

Dillon, James St. G. Divorce B.—*Continued.*

(Mr. Gowan), that Clerk of the Com. furnish the full minutes of the proceedings before the Com. so that the whole matter may be in the possession of the House, 320. M. agreed to, 320.

Order of Day, Consideration of 14th Report of Standing Com. of Divorce, 350. Remarks: Mr. Gowan, respecting lateness of distribution of evidence and *m.* that Order of Day be discharged, 350. M. agreed to, 350.

On Order of Day, Consideration of Minority Report, Mr. Kaulbach, *m.* that Order of Day be discharged and consideration of Report be fixed for Tuesday next, 350. Remarks: Messrs. Bellerose, Kaulbach, 350. M. agreed to, 350.

Consideration of 14th Report of Divorce Com. Remarks: respecting evidence, Mr. Gowan, 366-8; Messrs. Kaulbach, Scott, 368; Mr. Kaulbach, 368-370; Messrs. Macdonald (B. C.), Power, Kaulbach, 370; Messrs. McCallum, Kaulbach, Boulton, 371; Messrs. Read (Quinté), Kaulbach, 372; Messrs. McKay, Kaulbach, Primrose, 373; Messrs. Kaulbach, Primrose, McKay, Macdonald (B.C.), 374; Messrs. Macdonald (B.C.), Kaulbach, 375; Messrs. Ogilvie, Kaulbach, McKay. 376; Messrs. McKay, Kaulbach, Vidal, 377; Messrs. Kaulbach, Vidal, 378; Mr. Bellerose, 379; Mr. Gowan, 380; Mr. Bellerose, 380-83; Messrs. Ogilvie, Bellerose, 383. M. (Mr. Scott) for adjt. of debate, 383.

Debate resumed, 384; proper place on Order paper discussed, 383-4; Mr. Scott, 384-6; Messrs. Macdonald (B. C.), Scott, 386; Messrs. Read (Quinté), Scott, 387; Messrs. Ogilvie, Scott, Read (Quinté), McInnes (B. C.), Kaulbach, 388; Messrs. Kaulbach, Scott, Read, 389; Messrs. Bowell, Scott, Poirier, 390; Messrs. McInnes (B.C.), Scott, Power, Dever, Macdonald (B.C.), 391; Messrs. Boulton, Scott, Angers, Macdonald, Kaulbach, 392; Mr. Scott, 392-4; Messrs. Angers, Ogilvie, Scott, 394; Messrs. McInnes, Scott, Masson, 395; Messrs. Macdonald, McInnes, Scott, Bellerose, Kaulbach, 396; Messrs. Power, McInnes, Kaulbach, Scott, 397; Messrs. McInnes, Kaulbach, Landry, Scott, Macdonald, 398; Messrs. Read (Quinté), Scott, DeBoucherville, 399; Messrs. Scott, Read, 400; Messrs. McInnes (B.C.), Scott, Read (Quinté), Power, 401; Messrs. Macdonald (B. C.), Power, McInnes (B.C.), Primrose, 403; Messrs. Almon, Power, McInnes (B.C.), Poirier, Vidal, 404; *m.* (Mr. Power) that debate be adjourned, 405. M. agreed to, 405.

Explanation from Printing Bureau presented (Mr. Bowell) that no delay had occurred in printing the papers, 406.

Resumed debate, proper place on Order paper discussed: Messrs. Power, Bowell, 406.

Debate resumed, 408; remarks: Mr. Power, 408-410; Messrs. Kaulbach, Power, Scott, 410; Messrs. Macdonald (B. C.), Power, McKay, 411; Mr. Power, 411-413; Mr. Prowse, 413-414; Messrs. Power, Prowse, 414; Mr. Power, 415; Messrs. Prowse, Power, Dickey, 416; Messrs. Boulton, Dickey, McInnes, 417; Messrs. McCallum, Dickey, Power, Kaulbach, McInnes, 418; Messrs. Boulton, Kaulbach, Scott, 419; Messrs. Boulton, Poirier, 420; Messrs. Scott, Boulton, 421; Messrs. Kaulbach, Boulton, Bellerose, 422; Messrs. Bellerose, Kirchhoffer, Scott,

Dillon, James St. G., Divorce B.—*Continued.*

McKay, Kaulbach, O'Donohoe, 423; Messrs. McKay, O'Donohoe, 424; M. (Mr. O'Donohoe) to re-commit Report for further questions, 425; remarks: Mr. Kaulbach, 425; *m.* (Mr. Clemow) that debate be adjourned till Tuesday next, 425; remarks: Messrs. Power, Bowell, 425. M. agreed to, 425.

On Order for resuming Debate on adoption of 14th Report of Com. Remarks: Mr. Clemow, 428-31; Messrs. Bellerose, O'Donohoe, McInnes (B.C.), 431; Messrs. Bellerose, Read (Quinté), Angers, McInnes, McKindsey, O'Donohoe, Power, Almon, respecting whether notice of Mr. O'Donohoe's Amt. was given, 433; Messrs. Kaulbach, McInnes (B.C.), the Speaker, Poirier, Angers, 434; Amt., as read by Mr. O'Donohoe, *m.* (Mr. Landry, 433; remarks: Mr. Read (Quinté), 433; Mr. Kirchhoffer, 434; Mr. Power, 435; Mr. Kirchhoffer, 435-7; Messrs. Power, Kirchhoffer, 437-8; Messrs. Dever, Kirchhoffer, 439; Mr. Poirier, 440; Messrs. Poirier, McCallum, Kirchhoffer, 441; Messrs. Bellerose, Poirier, 442; Mr. Poirier, 442-4; Messrs. McCallum, Vidal, 444; Messrs. Scott, Vidal, Power, Bellerose, 445; Messrs. Vidal, Bellerose, 446; Mr. Bellerose, 446-7; Messrs. Scott, Bellerose, Macdonald (Victoria), 448; Messrs. Reesor, Poirier, 449; Messrs. McInnes, Reesor, Scott, 450; Messrs. Scott, Reesor, Ogilvie, Power, 451; Messrs. Bowell, Power, Read (Quinté), McKay, 452; Messrs. McInnes (B.C.), Power, Poirier, O'Donohoe, 453; Messrs. McInnes, Bellerose, Poirier, Dever, 454; Messrs. O'Donohoe, Prowse, 455; Mr. Perley, 456; Messrs. Kaulbach, McInnes, 457; Messrs. Kaulbach, Boulton, 458; Messrs. Scott, Almon, 459. Amt. rejected (C. 22, N.-C. 25), 459. M. for adoption of Report rejected by following vote: (C. 23, N.-C. 24), 460.

On Notice of M., consideration of the Com. Report. Remarks: Messrs. Clemow, Miller, Dickey, Angers, 482. M. allowed to stand till Wednesday next, 482.

Consideration of 14th Report of Com. *m.* (Mr. Clemow), 514; remarks: Messrs. Angers, Miller, 514; Messrs. Macdonald (B.C.), Miller, Scott, Angers, 515; Messrs. Miller, Angers, 516; Messrs. Masson, Bellerose, Power, 517; Sir Frank Smith, 517; Messrs. Angers, Power, Vidal, Kaulbach, Clemow, Reesor, McInnes (B.C.), 518; Messrs. Bowell, Kirchhoffer, Clemow, 519; leave asked to have M. amended to include Minority Report (Mr. Clemow), 519; remarks: Messrs. Kaulbach, Clemow, Scott, 519; Amt. *m.* (Mr. Scott), for three months' hoist, 520; remarks: Messrs. Bowell, Scott, Dickey, Masson, Angers, Boulton, McKay, 520; Amt. rejected (C. 23, N.-C. 29), 520-1. Original motion carried on same division, 521.

On Order for consideration of 14th Report of Com., adoption of Majority Report *m.* (Mr. Clemow) 614. Remarks: Messrs. Clemow, Kaulbach, Almon, McInnes (B.C.), Power, 614; consideration of Report postponed, 614.

Adoption *m.* (Mr. Clemow), 616; Amt. *m.* (Mr. Landry), 616; division on the Amt., which rejected (C. 20, N.-C. 22), 616; *m.* (Mr. Bellerose) that Report be referred back to Com. to insert cl. precluding re-marriage, 616. Remarks: Messrs. Scott, Bellerose, McInnes, Prowse, 616; Messrs. Scott, Power, Bowell, Read,

**Dillon, James St. G., Divorce B.**—*Continued.*

Kaulbach, 617; Messrs. Kirchhoffer, Scott, Bellerose, Prowse, Bowell, Macdonald (B.C.), McInnes, 618; Messrs. Allan, Bellerose, 619; Amt. declared lost on a division, 619; Amt. *m.* (Mr. Landry), 6 months' hoist, 619; division on the Amt., which rejected (C. 20, N.-C. 21), 619; Report adopted on a division, 619.

3rd R., 619.
Assent, 884.
(57-58 *Vict., cap.* 129.)

**DIVISIONS:**

*Dillon Divorce B. (T).*

On M. (Mr. Gowan) for adoption of report of Divorce Com., 428; and Amt. (Mr. O'Donohoe) that Report (with the Minority Report) be re-committed for further questions, 431. The same Amt. (a ques. of Order having been raised) *m.* by Mr. Landry, 433. Division on the Amt., which rejected (C. 22, N.-C. 24), 459-60.

M. for adoption of Report rejected (C. 23, N.-C. 24), 460.

On M. (Mr. Clemow) for adoption of Com.'s Report, 514: Amt. *m.* (Mr. Scott) for three months' "hoist," 519. Amt. rejected (C. 23, N.-C. 29), 520-1.

On M. (Mr. Clemow) for adoption of Report, 616: Amt. *m.* (Mr. Landry) to re-commit for further questions, 616; which rejected (C. 20, N.-C. 22), 616. Amt. *m.* (Mr. Landry) for 6 months' "hoist," 619. Amt. rejected (C. 20, N.-C. 21), 619.

The Report was then adopted "on a division."

*France, Treaty with, ratification,* B. (147).

On M. (Mr. Angers) for 2nd R.—Amt. *m.* (Mr. Boulton) to return Treaty to Imperial Govt. for further negotiations, 767; which rejected (C. 5, N.-C. 30), 795.

Amt. *m.* (Mr. McCallum), six months' "hoist," 798; which rejected (C. 5, N.-C. 28), 798.

M. for 2nd R. carried "on same division reversed," 798.

*Insolvency Act,* 1894; B. (C).

In Com. of the W.—On 3rd cl.: Amt. *m.* (Mr. McKindsey) to substitute a cl., dividing debtors into two classes, with regulations as to receiving orders in each class, 553. Amt. *m.* (Mr. Power) Act not to apply to any persons other than traders as hereinafter defined, 557. Amt. to the Amt. adopted (C. 23, N.-C. 16), 562.

Again in Com.—On cl. 35: Amt. *m.* (Mr. Miller) to substitute "one-half" for "two-thirds," 591; which adopted (C. 19, N.-C. 18), 600.

On cl. 61: Amt. *m.* (Mr. Bellerose) to substitute therefor cl. 62 of the original B. (claims based upon negotiable instruments on which insolvent is indirectly liable), 603; which rejected (C. 11, N.-C. 19), 603.

On M. (Mr. Bowell) for 3rd R.—Amt. *m.* (Mr. Power) to substitute "two-thirds" for "one-half" in 35th cl., 604; which rejected (C. 23, N.-C. 26), 608.

Amt. *m.* (Mr. McCallum), six months' "hoist," 613; which rejected (C. 9, N.-C. 36), 613.

*Internal Economy Com. Report.*

Consideration of 3rd Report of Standing Com. on Internal Economy, &c.

On M. (Mr. McInnes, B.C.) to re-commit, with instructions for an increase of Postmaster's salary, 655. Division on the Amt., which adopted (C. 27, N.-C. 6), 660.

**DIVISIONS**—*Continued.*

*Lord's Day, better observance of,* B. (2).

On M. (Mr. Allan) for 2nd R.—Amt. *m.* (Mr. Almon) six months' "hoist," 567. Amt. adopted (C. 22, N.-C. 13), 579.

*Montreal Island Belt Line Ry. Co.'s* B. (59).

On M. (Mr. Tassé) for 3rd R.—Amt. *m.* (Mr. Power) restricting elevated line, in city, to passenger traffic, 622; which rejected (C. 7, N.-C. 39), 627.

Divorce Committee and cases.

Adoption of cl. of Report of Com. of Selection, nominating Special Com., *m.* (Mr. Bowell) and agreed to*, 98.

For the Reports—*See* the respective cases as follows:
"Balfour, James."
"Dillon, James St. George."
"Downey, Caroline J."
"Filman, Joshua N."
"Johnson, Orlando G. R."
"Piper, William S."
"Thompson, Joseph."

Divorce Courts, establishment of.

Strongly urged, in the debates on:
"Dillon, James St. G., Divorce B." (above).

**Dominion Atlantic Ry. Co. (Ltd.); acquisition of rights of Windsor and Annapolis Ry. Co.; purchase of Yarmouth and Annapolis Ry.; issue of bonds, &c.; B. (50).**—*Mr. Power.*

Introduced*, 347.
2nd R. *m.* (Mr. Power), 350; Bill explained (Mr. Power), 351; M. agreed to, 350; and Bill read 2nd time, 350.
3rd R.*, 460.
Assent, 882.
(57-58 *Vict., cap.* 69.)

**Dominion Burglary Guarantee Co. (Ltd.); additional powers; insurance of goods in transit; electric wire protection service, &c.; B. (27).**—*Mr. McMillan.*

1st R.*, 426.
2nd R. *m.* (Mr. McCallum), 481. M. agreed to, 482.
2nd R., 482.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 121.)

**Dominion Elections Act Amt.; Algoma, Nipissing, Gaspé, Cariboo, Returning Officers to fix dates; new form of ballot, &c.; B. (128).**—*Mr. Angers.*

1st R., 864.
2nd R. *m.* (Mr. Angers) and agreed to, 864.
In Com. of the W.; on cl. 1: Messrs. Power, Angers, Kaulbach, 869; cl. adopted, 869.
On cl. 4: Mr. Power, 869; cl. adopted, 869; B. reported (Mr. Clemow), without amt., 869.
3rd R., 869.
Assent, 884.
(57-58 *Vict., cap.* 13.)

**Dominion Gas and Electric Co. Incorp. B. (77).**—*Mr. Bernier.*

1st R.*, 426.
2nd R. *m.* (Mr. Bernier), 480; M. agreed to, 480.
3rd R.*, 550.
Assent, 883.
(57-58 *Vict., cap.* 110.)

**Dominion Lands Act Amt.; settlers on School lands before survey, rights confirmed; selection of other School lands instead; B. (160).**—*Mr. Angers.*

1st R.*, 774.
2nd R. *m.* (Mr. Angers), 798; remarks: Messrs. Lougheed, Angers, Power, 799; M. agreed to, 799.
3rd R. *m.* (Mr. Angers), 799; M. agreed to, 799.
Assent, 884.
(57-58 *Vict., cap.* 26.)

Dominion Lands legislation.

In Speech from the Throne, 4.
In *m.* the Address in reply (Mr. Ferguson, P.E.I.), 13; in the debate: Mr. Kaulbach, 53.
(*See* the above Bill.)
*See also* "Land in the Terries. B."

**Dominion Notes Act Amt.; additional $5,000,000 issue authorized; B. (165).**—*Mr. Angers.*

1st R.*, 840.
2nd R. (*m.* by Mr. Bowell)*, 854.
In Com. of the W.: Mr. Scott, 859-60; Messrs. Bowell, Kaulbach, Scott, 860; B. reported (Mr. Clemow) without amt., 860.
3rd R.*, 860.
(57-58 *Vict., cap.* 21).

——— Deficiency of small notes; larger issue; withdrawal of old and filthy notes: discussed in Com. on the above B.

**Dominion Women's Christian Temperance Union Incorp. B. (56).**—*Mr. Vidal.*

Introduced*, 308.
2nd R. *m.* (Mr. Vidal), 332. M. agreed to, 333; and B. read 2nd time, 333.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 127.)

**Downey, Caroline J., Divorce B. (E).**—*Mr. Clemow.*

1st Report of Divorce Com., presented (Mr. Gowan), reporting service sufficient, 111; adoption *m.*, 112; postponement suggested (Mr. Power), 112; consideration to-morrow *m.* (Mr. Gowan) and agreed to, 112.
2nd R.*, 274.
On order for consideration of 10th Report of Com.; remarks: (Mr. Gowan), evidence not yet printed; M. for postponement of consideration, 289; M. agreed to, 289.
Adoption of Report *m.* (Mr. Gowan), 308; remarks: (Mr. Gowan), that evidence is sufficient, 308; M. agreed to, 308; B. 3rd R., 308.
Assent, 882.
(57-58 *Vict., cap.* 130.)

Drawback on bridges for C. P. R., Bill. *See* "C. P. R."

Drummond County Ry., subsidy. *See:*
"Railways, subsidies to, B."

**Duluth, Nepigon and James Bay Ry. Co. Incorp. B. (37).**—*Mr. Perley.*

Introduced*, 299.
2nd R. (*m.* by Mr. Ferguson, Niagara)*, 310.
3rd R. (*m.* by Mr. Dickey)*, 366.
Assent, 882.
(57-58 *Vict., cap.* 70.)

Duties of Customs Act. *See* "Customs."

**Edmonton Street Ry. Co. Incorp. B. (23).**—*Mr. Lougheed.*

1st R.*, 687.
2nd R.*, 691.
3rd R.*, 705.
Assent, 883.
(57-58 *Vict., cap.* 71.)

Elections (ballot) in N.W.T. *See:*
"N.W.T. Representation Act Amt. B."

Elections, bribery at. *See:*
"Voters who have taken bribes, &c., B."

Elections, Dominion, Act Amt. *See* "Dominion."

**Electoral Franchise Act further Amt.; Voters' Lists to be revised under Redistribution Act, &c.; B. (143).**—*Mr. Bowell.*

1st R.*, 869.
2nd R.*, 869.
3rd R.*, 869.
Assent, 884.
(57-58 *Vict., cap.* 12.)

**Electric Light Inspection Act; B. (118).**—*Mr. Bowell.*

1st R.*, 676.
2nd R. *m.* (Mr. Angers), 693; remarks: Mr. Scott, 693; Messrs. Angers, Scott, Allan, 694; Messrs. Clemow, Angers, Power, 695; Kaulbach, Power, McInnes, Angers, 696; Messrs. McInnes, Angers, 697; Messrs. MacInnes (Burlington), Perley, Primrose, 698; Messrs. McInnes, Primrose, Power, 699. M. agreed to, 699.
In Com. of the W.; remarks: Messrs. Angers, Power, Clemow, 741; Messrs. Drummond, Angers, Kaulbach, Dever, Clemow, Ogilvie, 742. On cl. 3: Messrs. Power, Angers, Scott, Reesor, 743. Cl. adopted, 743.
On cl. 4: Messrs. Power, Drummond, 743. Cl. adopted, 743.
On cl. 5: Messrs. Drummond, Clemow, Angers, Power, Sullivan, and Amt. *m.* (Mr. Drummond), 743; Amt. agreed to, and clause as amended adopted, 743. Mr. Ogilvie, from Com., reported progress, and asked leave to sit again, 743.
In C. of the W., resumed: on cl. 4, Messrs. Drummond, Angers, 745; Messrs. Lougheed, Angers, 746. Cl. adopted, 746.
On cl. 7: Messrs. Angers, Power, Drummond, 746. Cl. adopted, 746.
On cl. 12: Messrs. Clemow, Angers, 746. Amt. *m.* (Mr. Power), 746. Amt. agreed to, 746.
On cl. 15: Messrs. Drummond, Angers; Amt. *m.* (Mr. Drummond), 746. Cl. as amd. was adopted, 746.
On cl. 16: Messrs. Lougheed, Kaulbach, Angers, 746; Messrs. Power, Lougheed, Drummond, 747. Cl. adopted, 747.
On cl. 19: Messrs. Lougheed, Clemow, Drummond, 747; Amt. *m.* (Mr. Angers) and agreed to, 747. Cl. as amended was adopted, 747.
On cl. 23: Amt. *m.* (Mr. Drummond), and remarks: Messrs. Sullivan, Drummond, Lougheed, 747. Amt. agreed to, and cl. as amended was adopted, 747.
On cl. 37: Messrs. Clemow, Sullivan, Drummond, 747; Power, Lougheed, Clemow, Drummond, 748. Cl. adopted, 748. B. reported from Com. (Mr. Ogilvie) with Amts., which concurred in, 748.
3rd R.*, 751.
Assent, 884.
(57-58 *Vict., cap.* 39.)

Electric Rys., shelter for motormen. *See:*
"Railway Act Amt. B."

**Electrical Measures, Units established; B. (117).**—*Mr. Bowell.*
1st R.*, 639.
2nd R. *m.* (Mr. Angers), 699; Motion agreed, to, 699.
In Com. of the W.: Messrs. Angers, Clemow, 863; Messrs. Kaulbach, MacInnes (Burlington), 864; B. reported (Mr. Desjardins) without amt., 864.
3rd R., 864.
Assent, 884.
(57-58 *Vict.*, *cap.* 38.)

**Elgin and Havelock Ry. Co. Incorp. B. (40).**—*Mr. Dever.*
Introduced*, 347.
2nd R.*, 362.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict.*, *cap.* 72.)

Elk and Kootenay Rivers to Coal Creek, Ry., subsidy. *See:*
"Railways, subsidies to, B."

England, fast line to. *See* "Ocean Steamship."

**Erie and Huron Ry. Co.; extension of time; powers as to docks, elevators, &c.; B. (81).**—*Mr. McKindsey.*
1st R.*, 499.
2nd R.*, 526.
3rd R. (*m.* by Mr. Vidal)*, 580.
Assent, 883.
(57-58 *Vict.*, *cap.* 73.)

Erie and Niagara Railroad, agreement. *See:*
"Canada Southern Ry. Co.'s B."

European and N.A. Ry., connecting line. *See:*
"Elgin and Havelock Ry. Co. Incorp. B."

Evidence before Senate or Commons. *See:*
"Parliamentary Witnesses Oaths B."

Excise. *See* "Inland Revenue." *Also:*
"Tariff and Trade matters" (generally).

Exports and Imports. *See* "Tariff and Trade matters."

Farmers, protection for, &c.
Remarks on 2nd R. of Iron and Steel bounties B.: Messrs. Power, Scott, Bowell, 867.

Federation, Colonial.
Remarks in debate on the Address: Mr. Scott, 22.

Females, Houses of Refuge, B. *See* "Ontario."

**Filman, Joshua N., Divorce B. (M).**—*Mr. Clemow.*
1st R.*, 224.
2nd R.*, 289.
Adoption of Report of Divorce Com., in favour of B., *m.* (Mr. Gowan), 343. Report adopted, 343.
3rd R.*, 343.
Assent, 883.
(57-58 *Vict.*, *cap.* 131.)

Fire Insurance Bs. *See* "Insurance."

Fiscal Policy. *See* "Tariff and Trade matters."

**Fish Creek, Alberta, Irrigation privileges; B. (J).**—*Mr. Lougheed.*
1st R.*, 205.
On order for 2nd R., explanation (Mr. Lougheed) that B. has been postponed in anticipation of the Govt. bringing down a general irrigation B., 274-5; M. (Mr. Lougheed) for further postponement, 275; M. agreed to, 275.
*See, subsequently,* "N.W.T., Irrigation B."

**Fisheries Act further Amt.; killing fish by explosives prohibited; lobster packing regulations; Sunday lifting of nets; sawdust throwing into rivers; penalties; fish propagation, &c., &c.; B. (145).**—*Mr. Angers.*
1st R.*, 692.
2nd R. *m.* (Mr. Angers), 704. Remarks: Mr. Power, 704. M. agreed to, 704.
In Com. of the W., remarks: Mr. Angers, 705; Messrs. Kaulbach, Angers, Macdonald (B.C.), 706. On 3rd cl.: Mr. Power, 706; Messrs. Angers, Power, 707. Cl. adopted, 707.
On 5th cl.: Messrs. Power, Allan, 707; Messrs. Kaulbach, Power, Angers, Reesor, Primrose, 708; and Amt. *m.* (Mr. Power), 708, which declared lost, 708.
On sub-cl. 5: Mr. Power, 708; Messrs. Angers, Power, Kaulbach, Primrose, Boulton, 709; Amt. *m.* (Mr. Power), 710. Amt. declared lost, 710.
On sub-cl. 10: Messrs. Power, Angers, Kaulbach, Allan, 710; Messrs. Power, Sir Frank Smith, Reesor, 711; Messrs. Power, Reesor, Robitaille, Sir Frank Smith, Kaulbach, 712; Sir Frank Smith, Power, Angers, Primrose, The Speaker, Kaulbach, Lougheed, 713; Mr. Kaulbach, 714. Sub-cl. adopted, 714.
On sub-cl. 11: Messrs. Power, Angers, 714. Sub-cl. adopted, 714.
On sub-cl. 12: Messrs. Power, Reesor, Dever, 714; Messrs. Allan, Primrose, Sir Frank Smith, Reesor, Poirier, 715; Messrs. Power, Poirier, Lougheed, Dever, Primrose, 716; cl. adopted, 716.
On cl. 4: Mr. Power, 716; Messrs. Kaulbach, Angers, Power, Dever, 717; Messrs. Dever, Power, Kaulbach, Poirier, Lougheed, 718; Messrs. Kaulbach, Angers, Dever, Power, Poirier, 719; Messrs. Angers, Dever, 720. Cl. postponed, 720.
On cl. 6: Mr. Clemow, 720; Messrs. Kaulbach, Poirier, Angers, 721; Messrs. Angers, Power, Perley, 722; Messrs. Kaulbach, Angers, Clemow, Allan, Power, Lougheed, 723; Messrs. Clemow, Power, Sir Frank Smith, Kaulbach, Allan, 724; Messrs. Angers, Clemow, Kaulbach, 725; (Mr. Macdonald, B.C.), from Com., reported progress, and asked leave to sit again, 725.
In Com. of the W., resumed: Messrs. Angers, Power, Kaulbach, 727; Messrs. Angers, Kaulbach, Dever, Power, 728; Amt. *m.* (Mr. Power), 728; Messrs. Angers, Dever, Power, 729; Amt. adopted, 729; Messrs. Angers, Dever, Perley, 729; Messrs. Clemow, Angers, Kaulbach, 730; Messrs. Scott, Angers, 731; Messrs. Ogilvie, Scott, 732; Messrs. Angers, Clemow, 733; Messrs. Dever, Power, Angers, Primrose, 734; Messrs. Angers, Primrose, Clemow, Reesor, Sir Frank Smith, Dever, Kaulbach, 735; cl. adopted, 735.
On cl. 8: Mr. Power, 735; Messrs. Angers, Power, Dever, Kaulbach, 736; Mr. Angers, 737; cl. adopted, 737.

**Fisheries Act Amt.**—*Continued.*

On cl. 9: Messrs. Power, Reesor, Kaulbach, Angers, 737; Messrs. Power, Angers, Kaulbach, Drummond, Primrose, 738; Messrs. Scott, Power, Ogilvie, Primrose, Angers, 739; Messrs. Clemow, Scott, Angers, Kaulbach, Power, Dever, 740; B. reported from Com. (Mr. Perley) with Amts., which concurred in, 740.

Notice of M. (Mr. Angers), 740; Amt. *m.* (Mr. Power), 740; remarks: Messrs. Clemow, Angers, Power, 740. M. agreed to, 740.

3rd R. *m.* (Mr. Angers), 744; Amt. *m.* (Mr. Power), 744; remarks: Mr. Kaulbach, 744; Mr. Angers, 745; Amt. agreed to, 745. Amt. *m.* (Mr. Power), 745; remarks: Mr. Angers, 745; Amt. declared lost on division, 745. B. as amd. was read 3rd time and passed.

Assent, 884.

(57-58 *Vict., cap.* 51.)

Fishery, Seal. *See* "Behring Sea."

Fitzgerald, Hon. N., of Victoria.

Introduction (Mr. Bowell) and invitation to seat near Throne, 639.

Fox, Sir D., Report of. *See* "P.E.I."

France, steamship service. *See* debate on following Bills:

"France, Treaty with, ratification B."

"Ocean Steamship Subsidies Act Amt. B."

France, the late President Carnot.

Invitation to Senate to attend Funeral, announced (the Speaker); remarks (Mr. Bowell), 635.

**France, Treaty with, ratification of; B. (147).**—*Mr. Angers.*

1st R.*, 725.

2nd R. *m.* (Mr. Angers), 754; Debate: Messrs. Power, Dever, Angers, 755; Messrs. Sullivan, Angers, McMillan, Lougheed, 756; Messrs. Dever, Angers, Tassé, Boulton, McCallum, 757; Messrs. Power, Angers, Boulton, Clemow, Tassé, 758; Messrs. Tassé, Angers, Poirier, Boulton, Power, 759; Messrs. Boulton, Angers, McCallum, Desjardins, 760; Messrs. Kaulbach, Scott, McCallum, 762; Messrs. Scott, Tassé, Power, Angers, Boulton, Dever, Sir Frank Smith, 763; Messrs. Angers, Scott, Dever, Drummond, Boulton, 764; Messrs. Drummond, Scott, Angers, Price, Robitaille, Sir Frank Smith, 765; Messrs. Scott, Tassé, Angers, Ogilvie, Desjardins, Sir Frank Smith, 766.

Amt. *m.* (Mr. Boulton) to return Treaty to Imperial Govt. for further negotiations, 767; remarks and debate: Messrs. Boulton, Angers, Kaulbach, 767; Messrs. Kaulbach, Boulton, Angers, Dever, Sir Frank Smith, 769; Messrs. Angers, Boulton, Dever, Power, Kaulbach, 770; Messrs. Boulton, Dever, Sir Frank Smith, 771; Messrs. Angers, Boulton, Dever, 773; Messrs. Angers, Boulton, 774.

Debate resumed: Mr. Boulton, 774; Messrs. Dever, Boulton, Kaulbach, 775; Messrs. Dever, Boulton, 776-7; Messrs. Kaulbach, Boulton, 778; Messrs. Power, Kaulbach, 779; Messrs. Angers, Kaulbach, 780; Messrs. Boulton, Kaulbach, Dever, 781; Messrs. Power, Angers, Dever, 782; Messrs. Boulton, Dever, Drummond, 783; Messrs. Boulton, Drummond, 784; Messrs. Tassé, Boulton, Drummond, 785; Messrs. Angers, Dever, Drummond, Power, 786; Messrs. Burns, Power, Angers, 787; Messrs. Power, Boulton, Burns, 788; Messrs. Burns, Boulton, Angers, 790; Messrs. Read (Quinté), Boulton, Angers, Power, Sir Frank Smith, 791; Messrs. Ogilvie, Power, Angers, Dever, 792; Messrs. Burns, Power, 793; Messrs. Power, Poirier, 794: Amt. of Mr. Boulton was rejected on a division (C. 5, N.-C. 30), 795; Messrs. McCallum, Angers, 795; Messrs. McCallum, Kaulbach, Sir Frank Smith, 796; Messrs. McCallum, Kaulbach, 797, 798.

Amt. *m.* (Mr. McCallum) for 6 months "hoist," which rejected on a division (C. 5, N.-C. 28), 798.

In Com. of the W.; on schedule "A": Mr. Power, 823; Mr. Angers, 824: schedule adopted, 824; remarks: Messrs. Scott, Angers, McCallum, Dever, 824; Messrs. Kaulbach, McCallum, Angers, 825; B. reported (Mr. Desjardins) without Amt., 825.

3rd R. *m.* (Mr. Angers), 840; remarks: Mr. Tassé, 840-2; Messrs. Boulton, Tassé, Power, Burns, 842; Mr. Angers, 843; *m.* (Mr. Angers) that debate be adjourned, 843; M. agreed to, 843.

Debate resumed, 843; Mr. Tassé, 843-4; Messrs. Power, Tassé, 844; Messrs. Boulton, Tassé, 845; Messrs. Boulton, Tassé, Bowell, Kaulbach, 846; Messrs. Snowball, Tassé, 847; Messrs. Boulton, Tassé, Power, 848; Messrs. Angers, Tassé, Bowell, 849; Mr. Tassé, 849-52; M. agreed to, 852.

3rd R., 852.

Assent, 884.

(57-58 *Vict., cap.* 2.)

Reference to ratification of the Treaty, made in Speech from the Throne, at prorogation, 884.

Franchise Act Amt. *See:*

"Electoral Franchise."

Franchise, bribed Voters. *See:*

"Voters who have taken bribes, &c., B."

**Fraudulent sale or marking, restraint of; white lead, Paris green, honey, vinegar; B. (123).**—*Mr. Angers.*

1st R.*, 686.

2nd R. *m.* (Mr. Angers), 699; remarks: Messrs. Sullivan, Angers, 699. M. agreed to, 700.

In Com. of the W.; on the schedule: Amt. *m.* (Mr. Angers), and agreed to, 799; Mr. Kaulbach, Amt. *m.* (Mr. Angers), and agreed to, 799; B. reported from Com. (Mr. Boulton), with an Amt., which concurred in, 799.

3rd R.*, 800.

Assent, 884.

(57-58 *Vict., cap.* 37.)

——— *See also* "Fisheries Act Amt. B." (branding of cases of lobsters).

Free Trade. *See* "Tariff and Trade matters."

Freight Rates, C.P.R. *See:*

"Canadian Pacific Railway."

**French River Boom Co. (Ltd.) Incorp. B. (100).**—*Mr. Clemow.*

1st R.*, 692.

2nd R.*, 692.

3rd R.*, 744.

Assent, 884.

(57-58 *Vict., cap.* 107.)

French translation, of Bills, &c.
M. (Mr. Bowell) for 2nd R. of Montreal Harbour Commissrs. B., on the understanding that it be printed in both languages before going into Com., 227; remarks: Messrs. DeBoucherville, Power, 228; and Mr. Bowell *m.* that Order be discharged, 228.
Remarks (Mr. Bowell) on *m.* 2nd R. of Insolvency B., that corps of translators is too weak, 229.
Internal Economy Com. Report presented (Mr. McKay), recommending employment of temporary translators, 250. Remarks (Mr. Power) that Report does not embody Com.'s recommendation, as it restricts translators to Bill work, 250. At Mr. Angers's suggestion, the Report as it stood was adopted in the meantime, 250.
M. (Mr. Bowell) authorizing Clerk to employ translators as necessary, irrespective of Bs., 272; M. agreed to, 273.
Mr. Allan having asked consent for *m.* 2nd R. of "Youthful Offenders, punishment B.," Mr. Masson, while not objecting to this B., said in future he would object to every B. unless printed in French, 300-301.
Internal Economy Com., 3rd Report, appt. of additional translator recommended: adoption *m.*, with remarks (Mr. McKay), 649; Report adopted, 660.

Funerals of deceased Senators.
Payment of funeral expenses in Ottawa, of the late Senators Flint and Glasier. M. (Mr. Bowell) for payment, with remarks on precedents, &c.: Messrs. Bowell, O'Donohoe, 687; Messrs. Bowell, Power, 688; M. agreed to, 688.

Gagnon, M., Sessional Messenger. *See:*
"Internal Economy Com.," 3rd Report.

Game preservation in Territories, B. *See:*
"North-west (Unorganized Territories)," B.

——— *See also* "Buffalo" and "Prairie chicken."

Garneau, Mr., Salary of. *See:*
"Internal Economy Com.," 3rd Report.

Gaspesia Ry. Co., agreement. *See:*
"Métis, Matane & Gaspé Ry. Co. Incorp. B."

General Inspection Act Amt. (Hay). *See:*
"Inspection, General, Act, Amt. B."

Gibbs, Mr., Salary of. *See:*
"Internal Economy Com.," 3rd Report.

**Gleichen, Beaver Lake & Victoria Ry. Co. Incorp. B. (57).**—*Mr. Perley.*
1st R.*, 704.
2nd R.*, 704.
3rd R.*, 727.
Assent, 884.
(57-58 *Vict., cap.* 74.)

Government legislation, lateness, &c. *See* "Legislation."

Government, members of, differing. *See* Commons Amts. to:
"Insurance Act further Amt. B."

Governors-General and Imperial promotions.
Remarks in debate on Address: Mr. Scott, 16; Mr. Bowell, 23.

Governors-General, personal remarks. *See:*
"Aberdeen, the Earl of."
"Derby, the Earl of."

Grand Trunk Ry., construction—*referred to in:*
"Hudson Bay Ry. construction B. (—)," debate.

——— leasing or amalgamating powers. *See:*
"Montreal Island Belt Line Ry. Co.'s B."
"St. Lawrence and Adirondack Ry. Co.'s B."

Great Britain, fast line to. *See* "Ocean Steamship."

——— trade with. *See* "Tariff and Trade."

Great Eastern Ry. Co., agreement—*in:*
"Atlantic and Lake Superior Ry. Co.'s B."

Great Northern Ry., connection, &c. *See:*
"Montreal Belt Line Ry. Co.'s B."

——— two subsidies. *See:*
"Railways, subsidies to, B."

Great North-west Central Ry. Co.
Inqy. (Mr. Perley), intention of further construction this summer, and whether land grant will lapse, 635.
Reply (Mr. Bowell), no knowledge as to construction proceeding; ques. of grant lapsing is before Justice Dept., 635.

Grose Electric service, purchase of. *See:*
"Dominion Burglary Guarantee Co.'s B."

**Guelph Junction Ry. Co.; time for construction extended; B. (63).**—*Mr. MacInnes (Burlington).*
1st R.*, 365.
2nd R.*, 408.
3rd R.*, 460.
Assent, 882.
(57-58 *Vict., cap.* 75.)

**Harbour Masters Act Amt.; power to appoint Deputy Harbour Masters; B. (A).**—*Mr. Bowell.*
Introduced and 1st R. *m.* (Mr. Bowell), Bill explained, 86; M. agreed to, 86.
2nd R. *m.* (Mr. Bowell) and agreed to, 87.
In Com. of the W. and reported (Mr. Vidal) without amt.*, 89.
3rd R.*, 90.
Assent, 882.
(57-58 *Vict., cap.* 50.)

**Harbours, Public; Govt. may proclaim any water area, extend area of existing public harbours, make regulations, &c.; B. (U).**—*Mr. Bowell.*
Introduced and explained, 228.
2nd R., 275; remarks: Messrs. Bowell, Power, 275; Messrs. Dever, Wark, Kaulbach, 276.
In Com. of W.: B. reported (Mr. Ferguson, P.E.I.) without amt., 277.
3rd R. *m.* (Mr. Bowell); remarks: Messrs. Bowell, Power, 277; Mr. Power, 278; M. agreed to and B. read 3rd time and passed, 278.
Concurrence in H. of C. Amts. to B. *m.* (Mr. Bowell), 580. M. agreed to, 581.
Assent, 883.
(57-58 *Vict., cap.* 47.)

——— *See also* the following separate Bills:
"Montreal Harbour Commrs. Acts consolid. B."
"Pictou Harbour (New Glasgow Wharf), B."

Harvey Branch Ry., subsidy. *See:*
"Railways, subsidies to, B."

Havelock, connection with I. C. R., Ry., subsidy. *See:*
"Railways, subsidies to, B."

Hay, inspection of, provision for. *See:*
"Inspection, General, Act, Amt. B."

**Holidays, law, Amt.; Labour Day established; B. (106).**—*Mr. Bowell.*
1st R.*, 615.
2nd R. *m.* (Mr. Bowell), 620; remarks: Mr. Desjardins, 620. M. agreed to, 620; *m.* (Mr. Bowell) that B. be read at length at the Table, 620. M. agreed to, 620.
3rd R., 620.
Assent, 883.
(57-58 *Vict., cap.* 55.)

**Homestead Exemption Act repealed; similar Acts of N. W. T. Legislature validated; B. (104).**—*Mr. Angers.*
1st R.*, 615.
2nd R. *m.* (Mr. Angers), 620; remarks: Messrs. Power, Angers, 620. M. agreed to, 620.
In Com. of the W. and reported from Com. (Mr. Dever), without amt.*, 627.
3rd R., 627.
Assent, 883.
(57-58 *Vict., cap.* 29.)

Honey, artificial. *See:*
"Fraudulent sale or marking, B."

Hudson Bay Co.'s Lands—*affected by:*
"Railway subsidy (land) to C. P. R. Co., B."

Hudson Bay route, feasibility of.
Remarks in debate on the Address: Mr. Boulton, 70.
Attention called to (Mr. Ferguson, Niagara) with inqy. whether any Reports since 1887, 206. Debate on history of Hudson Bay navigation, and present feasibility of route: Mr. Ferguson, 206–214; Messrs. Drummond, Ferguson, 214; Mr. Drummond, 214–16; Mr. Ferguson, explanation of previous remarks, 216; Mr. Kirchhoffer, 216–220; Mr. Boulton, a comment, 220.
Reply (Mr. Angers) as to feasibility, and that there are no recent Reports (except on James' Bay), 220–221.
Reply to the Minister (Mr. Ferguson), surveys of the Straits urged, 221–2.
Remark (Mr. Power) that this matter has been discussed on two or three occasions in Senate, 222. Objection taken thereto (Mr. Ferguson), 222; explanations and further remarks: Mr. Power, 222–3; Messrs. Angers, Bowell, Read (Quinté), 222; Messrs. Kaulbach, Ferguson, 223.
*See also* the two following Bills:

**Hudson Bay Ry.; construction as a public work; B. (—).**—*Mr. Boulton.*
Introduced, 266. B. explained (Mr. Boulton), 266–270; ques., Mr. Miller, 270; Mr. Boulton, 270–1; remarks: Mr. McCallum, 271; Mr. Boulton, 271–2; Messrs. Angers, Boulton, Miller, Power, Kaulbach, that B. is not in order, 272; the Speaker gives an opinion that the B. is out of order, 272.
*See,* subsequently, Bill (BB), below.

**Hudson Bay Ry.; construction by Govts. of Man. and N. W. T.; B. (BB).**—*Mr. Boulton.*
*See,* previously, Bill (—), above.
Introduced*, 309.
2nd R. *m.* (Mr. Boulton), 466–8; remarks: Messrs. Bowell, Boulton, McKay, Reesor, 468; Messrs. Miller, Boulton, Angers, McKay, 469; Mr. Boulton, 469–71; Messrs. Read (Quinté), Boulton, 471; Mr. Boulton, 471–3; Messrs. Angers, Boulton, Reesor, McKay, Perley, 473; Messrs. Boulton, Angers, 474; Messrs. Reesor, Boulton, Kaulbach, 475; Amt. *m.* (Mr. Kaulbach) for 6 months' "hoist," 475–6; Mr. Perley, 476–7; Mr. Boulton, 477–8; Messrs. Bowell, Boulton, 478; Messrs. Perley, Bowell, Power, 479; Messrs. Kaulbach, Boulton, Power; Amt. agreed to on a division, 480.

Hudson Bay Ry. Act—*Continued.*

Hull, interprovincial Bridge at.
Remarks (Mr. Clemow) on 2nd R. of Ry. Subsidies B., 867.

Hull, W. R., irrigation privileges. *See:*
"Fish Creek, Alberta, Irrigation, B."

Immigration and Dominion Land Laws. *See:*
"Dominion Land Laws."

Imperial Parliament, Recent Inquiries in. *See:*
"Behring Sea Award and Regulations."

Imperial Promotions. *See* "Governors-General."

Imports. *See* "Tariff and Trade matters."

Imprisonment of Children. *See:*
"Youthful Offenders, B."

Incorporation of Boards of Trade. *See:*
"Boards of Trade Incorp. Act Amt. B."

Indemnity, Members', B. *See:*
"Sessional Indemnity."

**Indian Act further Amt.; devising of property; distribution of intestate estates; deposition of Chiefs, &c.; B. (CC).**—*Mr. Bowell.*
Introduced*, 309.
2nd R. *m.* (Mr. Bowell), 343; B. explained (Mr. Bowell), 343–347; remarks: Messrs. Kaulbach, Bowell, Lougheed, respecting validity of Indian wills, 347; M. agreed to and B. read 2nd time, 347.
In Com. of the W.; on 1st clause; remarks: Mr. Bowell, respecting provisions of B., 361.
On subsection 2; remarks: Messrs. Power, Bowell, respecting Indian wills, 361; cl. adopted, 361.
On subsection 8; remarks: Messrs. Bowell, Macdonald (B.C.), respecting difference between B. and the old Act respecting land, 361; Messrs. Vidal, Bowell, Macdonald (B.C.), 362; cl. adopted, 362.
On cl. 2; remarks: Messrs. DeBoucherville, Bowell, Vidal, respecting difference between this section and the one that is to be repealed, 362; cl. adopted, 362.
On cl. 11; remarks: Messrs. Power, Bowell, respecting power of Superintendent General and Indian Dept. over Indians living off reserves, 362; cl. adopted, 362; Mr. Longheed, from Com., reported B. with Amts. which concurred in, 362.
3rd R.*, 364.
Assent, 883.
(57–58 *Vict., cap.* 32.)

Indians, Caughnawaga. *See* "Sault St. Louis Seigniory B."

Indians, two, death sentence. *See:*
"Justice, administration of."

**Inland Revenue Act further Amt.; disposal of penalties; penalty for sale, &c., of unlawfully manufactured spirits; excise duties on malt, &c.; B. (158).**—*Mr. Angers.*

1st R.*, 825.
2nd R. *m.* (Mr. Bowell) and agreed to, 852.
In Com. of the W.—On 1st cl., remarks: Mr. Bowell, cl. adopted, 852.
On 2nd cl.: Messrs. Bowell, Dever, 852; cl. adopted, 853.
On cl. 4.: Messrs. Bowell, Power, Dever, 853; Messrs. Dever, Bowell, 854; cl. adopted, 854; Bill reported from Com. (Mr. Snowball) with an Amt., which concurred in, 854.
3rd R., 854.
Assent, 884.
(57-58 *Vict., cap.* 35.)

**Insolvency Act, 1894; B. (C).**—*Mr. Bowell.*

Reference to B., in Speech from the Throne, 4.
In debate on the Address: Mr. Bernier, 84-6; Mr. Kaulbach, 47; Mr. Power, 45; Mr. Scott, 21.
Inqy. (Mr. Read, Quinté) whether and when B. will be introduced in Senate, 90. Reply (Mr. Bowell) yes, immediately, 90.
Introduced and 1st R. *m.* (Mr. Bowell), and Bill explained, 90-97; remarks: Messrs. Scott, Bowell, Lougheed, Gowan, 97; M. agreed to, 97; *m.* (Mr. Bowell) that 2,500 copies be printed for distribution, 134; M. agreed to, 134.
Notice of M. for Select Com. read; remarks: Mr. Bowell; the notice was dropped, 225.
Notice of M. (Mr. Bowell) for Select Com., 227.
2nd R. *m.* (Mr. Bowell), 229; debate: Mr. Scott, 229-232; Mr. Dickey, 232-234; Messrs. McClelan, Dickey, Bowell and Gowan, 234; Mr. Power, 235; Mr. Gowan, 235-236; Mr. Power, 236-237; Messrs. McCallum, Power and Lougheed, 237; Mr. Power, 238; Mr. Lougheed, 238-239; Mr. McClelan, 239-240; Mr. Kaulbach, 240-241; Mr. McCallum, 241-242; Mr. MacInnes (Burlington), 242; Mr. Clemow, 242-244; Messrs. Ferguson, Macdonald (P.E.I.), 244; Messrs. Vidal, McKindsey, 245; Mr. Vidal, 245-246; Messrs. Kaulbach, Scott, 246; Messrs. Dickey, Scott, O'Donohoe and Wark, 247; Mr. Bowell, 247-248; Messrs. McCallum, Sullivan and Bowell, 248; Messrs. Dickey, Bowell, Ferguson (Niagara), 249; M. agreed to, 249.
Remarks on procedure: Messrs. Power, Bowell, 249.
M. (Mr. Bowell) for reference to a Select Com. of 25, 249; remarks on nature of Com.: Messrs. McKindsey, Bowell, 249; M. agreed to, 249.
Com. on Insolvency, M. (Mr. Bowell) for addition of Mr. Smith to the Select Com., and that Com. have power to send for papers, 273; M. agreed to, 273.
M. (Mr. Angers) for printing of 1,000 copies in French, 308; M. agreed to, 308.
In Com. of the W., on cl. 2, subsection (*a*), remarks: Mr. McKindsey, 499-500, that cl. includes every person that owed a debt of $250, and Amt. that the word "trader" be substituted for the word "debtor," 500; Mr. Macdonald (P.E.I.), 500; Messrs. McKindsey, Power, Miller, McCallum, 501; Messrs. Bowell, McKindsey, 502; Messrs. McCallum, O'Donohoe, Kaulbach, Bowell, Miller, 503; Mr. Dickey, 504; Messrs. McKindsey, Dickey, McCallum, Bowell, 505; Messrs. Dickey, Bowell, McKindsey, Kaulbach, Prowse, 506; Messrs. Dever, Sanford, Power, 507; Messrs. McKay, Clemow, McKindsey,

**Insolvency Act, 1894**—*Continued.*

508; and Amt. *m.* (Mr. McKindsey), 508; Messrs. Miller, McKindsey, McCallum, Scott, Sir Frank Smith, Dickey, 509; Messrs. Smith, Bowell, Miller, 510; Messrs. Power, Miller, Smith, Kaulbach, McCallum, 511; Messrs. Smith, McCallum, and Amts. withd'n, Messrs. McKindsey, Miller, 512; Amt. *m.*, B. not to apply to others than traders, (Mr. Power), 512; Mr. Ferguson, 512; Messrs. Power, Ferguson, Reesor, 513; M. agreed to, 513; Mr. Reed, from Com., reported progress and asked leave to sit again, 513.
In Com. of the W., resumed, 550; remarks: Mr. Bowell, 550; Mr. Dickey, 551; after recess: Messrs. McKindsey, Power, withdrawing Amts., 552; cl. 2 adopted, 552.
On 3rd cl.: Amt. *m.* (Mr. McKindsey), to substitute new cl., dividing debtors into two classes, with regns. as to receiving orders in each class, 552-3; remarks: Messrs. Miller, McKindsey, Dever, Dickey, 553; Messrs. MacInnes (Burlington), Dickey, DeBoucherville, Bellerose, 554; Messrs. Kaulbach, McKindsey, 555; Messrs. Kaulbach, McKindsey, McCallum, McClelan, Power, 556; and Amt., (Mr. Power), B. not to apply to others than traders, 556-7; Mr. O'Donohoe, 557; Messrs. Bowell, Dickey, Bernier, 558; Mr. Prowse, 559; Messrs. Dever, Prowse, 560; Messrs. Perley, Power, 561; Mr. Bellerose, 562; Division on the Amt. to the Amt., 562: (C. 23, N. C. 16.) Remarks: Mr. Bowell, 562. Cl. allowed to stand, 562.
On 6th cl., subsection (*a*): Messrs. McKindsey, Bowell, Power, 562; cl. adopted, 562.
On cl. 35: Amts., Messrs. McKindsey, MacInnes (Burlington), 563; Messrs. Bowell, Macdonald, 563; cl. allowed to stand, 563; *m.* (Mr. Bowell) that Com. report progress and ask leave to sit again, 563; M. agreed to, 563. Mr. Read, from Com., reported progress and asked leave to sit again to-morrow, 563.
H. resumed in Com. of the W., 579; remarks: Messrs. Bowell, Miller, 579; Messrs. Dickey, Bowell, 580; Mr. Read, from Com., reported progress and asked leave to sit again on Tuesday next, 580.
M. (Mr. Bowell) that H. resolve itself in Com. of the W., 586; remarks on principle of the B.: Mr. Dickey, 586-7; M. agreed to, 587.
In Com. of the W., remarks: and M. (Mr. Bowell), that 3rd cl. be struck out and the following substituted: "this Act applies only to traders, &c," 588; Messrs. MacInnes (Burlington), Power, Scott, Kaulbach, McCallum, Ferguson (P.E.I.), 588; Messrs. Angers, Power, McCallum, Reesor, 589; Messrs. Macdonald (B.C.), Reesor, Kaulbach, 590; Amt. adopted, 590.
On 12th cl.: Amt. *m.* (Mr. Bowell) for new 12th cl., 590; Amt. adopted, 590.
On 35th cl.: Messrs. Bowell, Miller, 590; and Amt. *m.* (Mr. Miller) to substitute one-half for two-thirds, 591; Messrs. Primrose, Power, Miller, 591; Messrs. McKindsey, McCallum, 592; Messrs. McCallum, Miller, Ferguson (P.E.I.), 593; Messrs. Miller, Ferguson (P.E.I.), McKindsey, Clemow, Kaulbach, Sir Frank Smith, 594; Mr. Dever, 595; Messrs. Macdonald (P.E.I.), MacInnes (Burlington), 596; Messrs. McInnes, Miller, Ferguson (Welland), 597; Messrs. Bowell, Ferguson, MacInnes, 598; Messrs. Scott, McKindsey, 600; Division on the Amt., which adopted (C. 19, N.-C. 18), 600; Mr. Scott,

**Insolvency Act, 1894**—*Continued.*

600; Messrs. Clemow, Scott, Vidal, Drummond, Power, McCallum, Sir Frank Smith, 601; Messrs. McCallum, Kaulbach, Bellerose, Sir Frank Smith, 602; and Amt. *m.* (Mr. Bellerose) that cl. 61 be struck out and cl. 62 of B. as originally introduced substituted, 603; Division on the Amt., which rejected (C. 11, N.-C. 19), 603.

B. reported (Mr. Read) from Com. with Amts., 603; concurrence *m.* (Mr. Bowell), 603; remarks: Messrs. Power, Bowell, 603; M. agreed to, 603.

3rd R. *m.* (Mr. Bowell), 604; Amt. *m.* (Mr. Power) that ⅔ be substituted for ½ in 15th line of 35th section, 604; Mr. Kaulbach, 605; Messrs. Ferguson (Welland), MacInnes, Clemow, 606; Messrs. Macdonald (P.E.I.), Reesor, 607; Division on the Amt., which rejected (C. 23, N.-C. 26), 608; Further, Mr. Power, 608; Messrs. Macdonald (B.C.), Power, Miller, Drummond, 609; Messrs. McCallum, Kaulbach, Allan, 610; Messrs. McCallum, Scott, Power, 611. Amt. *m.* (Mr. Scott) to substitute, for wording in 42nd and 43rd lines of sec. 35, "proposition agreed upon in deed of composition," 611; remarks: Mr. Dever, 611; Messrs. McCallum, Scott, 612; Division on Amt., which rejected (C. 9, N.-C. 36), 613; M. for 3rd R. carried on a division, 613.

Ques. of Privilege (Mr. Miller), to correct Montreal *Gazette's* report of above division, 620.

**Inspection, General, Act Amt.; Hay inspection, provision for; B. (125).**—*Mr. Bowell.*

1st R.*, 427.

2nd R. *m.* (Mr. Bowell), 464; M. agreed to, 465.

2nd R., 465.

In Com. of the W., 487.

On 2nd cl.; remarks: Messrs. Dickey, Bowell, respecting quality of hay, 487; Messrs. McCallum, Bowell, Ogilvie, McClelan, 488; Messrs. Bowell, McClelan, Read, Ogilvie, Robitaille, Sir Frank Smith, Allan, Dever, respecting quality, sort, and colour of hay, 489; Messrs. Dever, McCallum, Power, McClelan, 490; Messrs. Perley, Sir Frank Smith, McCallum, Power, 491; Messrs. Reesor, Dever, 492; Messrs. Read, Angers, Bowell, 493; Messrs. Ogilvie, Dever, Bowell, Power, Ferguson (P.E.I.), 494; Sir Frank Smith, Ferguson, Read, Bowell, Power, Kaulbach, Reesor, 495; Messrs. Reesor, McKay, McCallum, Read, 496.

Again in Com., 524. On 2nd cl., remarks: Mr. Bowell, 524; Messrs. Power, Bowell, Kaulbach, Dickey, 525; Messrs. Dever, McClelan, Bowell, Power, Kaulbach, 526.

On subsection (Mr. Power), 526; B. reported from Com. (Mr. McKay), with Amts., which concurred in, 526.

3rd R.*, 550.

Assent, 883.

(57-58 *Vict., cap.* 36.)

Inspection of Petroleum Act. *See* "Petroleum."

**Inspection of Ships Act Amt.; inspection of loading gear, regulations; B. (113).**—*Mr. Bowell.*

1st R.*, 427.

2nd R. *m.* (Mr. Bowell), 465; remarks: Messrs. Macdonald (B.C.), Bowell, Almon, 465. M. agreed to, 465.

2nd R., 465.

**Inspection of Ships Act Amt.**—*Continued.*

In Com. of the W.; on 1st cl.; remarks: Messrs. Kaulbach, Bowell, 496. B. reported from Com. (Mr. McMillan), without amt., 496.

3rd R.*, 496.

Assent, 882.

(57-58 *Vict., cap.* 45.)

Inspection of Steamboats. *See:*

"Steamboat Inspection Act Amt. B."

**Insurance Act, several further Amts.; B. (V).**—*Mr. Angers.*

1st R., 251; B. partially explained (Mr. Angers), 251.

2nd R. *m.* (Mr. Angers), 289; B. fully explained (Mr. Angers), 289-292; ques., Mr. Scott, 292; remarks: Messrs. Angers, Scott, Lougheed, 292; Messrs. Kaulbach, Angers, McMillan, Scott, 293; Mr. Angers, 293-294; Mr. Scott, 294-296; Messrs. Angers, Scott, Lougheed, Kaulbach, 296; Messrs. Macdonald (P.E.I.), Gowan, 297; Messrs. Scott, Angers, 298; M. agreed to, 299; and B. read the 2nd time.

In Com. of the W., remarks: on 5th cl., Messrs. Angers, Vidal, 328; Mr. Vidal suggested additional cl., 328; Messrs. Angers, Vidal, Scott, 329; Amt. adopted, 329; on subsection 5: Messrs. Pelletier, Angers, 329; Mr. Pelletier, an Amt. proposed and adopted, 329; *m.* (Mr. Angers) to add a 6th subsection, 329; Amt. adopted, 330; *m.* (Mr. Angers) that B. be amended by adding a 13th section, 330; Messrs. Scott, Poirier, Angers, Power, 330; *m.* agreed to, 330; *m.* (Mr. Angers) that the Com. rise, report progress and ask leave to sit again, 330; Mr. Vidal, from the Com., reported progress and asked leave to sit again, 331.

In Com. of W., on subsection 5; remarks: Mr. Angers, Amt. to extend time to 1st February, 333; Amt. agreed to and cl. adopted, 333; Mr. Angers *m.* that the 3rd subsection be dropped, 333; M. agreed to, 333; Mr. Vidal, from the Com., reported B. with Amts., which concurred in, 333.

3rd R., 348.

Bill rec'd. from H. of C. with certain Amts., 823; Amt. proposed (Mr. Angers) to last cl., increasing scope of investments permitted to Cos., 823; remarks: Messrs. Angers, Ogilvie, MacInnes (Burlington), 823.

Adoption of Amts. of H. of C. *m.* (Mr. Angers), 825; Amt. *m.* (Mr. MacInnes, Burlington), non-concurrence in 27th Amt., adding cl. *d* to the B., restricting investments authorized for Cos., 826-828; remarks: Messrs. Kaulbach, MacInnes, 828; Mr. Scott, 828-830; Mr. Kaulbach, 830; Mr. Ferguson (Welland), 831; Mr. Allan, 832; Messrs. Bowell, Allan, Scott, Sir Frank Smith, 833; Messrs. Power, Dever, Sir Frank Smith, 834; Messrs. Angers, MacInnes, Bellerose, 835; Messrs. Clemow, Masson, Angers, Bowell, 836; Messrs. Scott, Bowell, 837; Mr. Boulton, 838; Amt. agreed to on a division, 838; M., as amended, was adopted, 838.

Remarks on differences between Members of Cabinet: Sir Frank Smith, Mr. Angers, 838.

Assent, 884.

(57-58 *Vict., cap.* 20.)

Ques. of Privilege (Mr. Bowell), to correct Ottawa *Citizen's* report of difference between Ministers on above Amts., 857.

——— *See* also "Steam Boiler and Plate Glass Insurance B."

Insurance, Boilers (and Engineers) and Plate Glass. *See:*
"Steam Boiler and Plate Glass Ins. Co.'s B."

Insurance Companies. *See also:*
"St. Lawrence Insurance Co.'s B."

Intercolonial Conference:
Reference to, in Speech from Throne, at prorogation, 884.

Intercol. Ry., Acquisition by C P.R.:
In debate on M. (Mr. Boulton) respecting C.P.R. freight rates: Mr. Almon, 142; Mr. Power, 142.

——— Connecting Lines. *See:*
"Elgin and Havelock Ry. Co. Incorp. B."
"Métis, Matane and Gaspé Ry. Co. Incorp. B."

——— Construction of—*referred to in:*
"Hudson Bay Ry. construction," debates.

——— Freight and Passenger Rates.
M. (Mr. Boulton) for schedule, for comparison with C.P.R., 405; remarks (Mr. Bowell), 405; M. agreed to, 406.

**Interest Act Amt.; provision for British Columbia, B. (129).**—*Mr. Bowell.*
1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 635; remarks: Messrs. Kaulbach, Scott, Bowell, Angers, Dever, Power, 636; M. agreed to, 636.
In Com. of the W.; on 4th cl.; remarks: Messrs. Power, Angers, 660; cl. adopted, 660; B. reported from Com. (Mr. Sullivan), without amt., 660.
3rd R., 660.
Assent, 883.
(57-58 *Vict., cap.* 22.)

Internal Economy Committee.
Adoption of cl. of Report of Com. of Selection, nominating, *m.* (Mr. Bowell) 98. Substitution requested (Mr. McInnes, B.C.) of Mr. Reid; cl. so amd. and adopted, 98.
Report presented (Mr. McKay), and adoption *m.*; employment of additional translators and shorthand writers, 249. Remarks: Mr. Power, that Report does not embody Com.'s recommendation, as it restricts translators to Bs., 250. Remarks as to possibility of amending Report at Table, by consent, and as to adopting Report as it stood in the meantime: Messrs. Miller, Angers, Power, Kaulbach, McKay, 250. M. agreed to, 250.
(On M. (Mr. Bowell) Clerk authorized to employ translators as necessary, 272-3.)
3rd Report, adoption *m.* (Mr. McKay): organization of staff, additional French translators, salaries of Messrs. Soutter, Garneau, Gibbs, 649, 650; supervision of messengers by Serjt.-at-Arms, and reduction of their number, 650; remarks: Messrs. Kaulbach, Sullivan, McKay, 650; M. Gagnon to be Sessional Messenger, instead of permanent, 650; one official reporting negligence, &c., of another, 650: remarks thereon, Messrs. Ogilvie, McKay, 651; books for Law Clerk's office, 651. Remarks on various cls. of the Report: Messrs. Allan, McKay, Kaulbach, 651; Messrs. MacInnes (Burlington), Power, Angers, Ogilvie, 652; Messrs. Bolduc, Kaulbach. McInnes (B.C.), 653. Proposal (Mr. McInnes, B.C.) to increase Postmaster's salary, 653-4; ques. of Order (Mr. Power) that this is foreign to Com.'s Report, 654; remarks thereon: Messrs. McInnes, Power, 654. Amt. *m.* (Mr. McInnes) to increase Postmaster's salary, 624. Further on ques. of Order: Mr. Power, 654; the Speaker, that the Amt. should be to re-commit the Report, 654; further remarks:

Internal Economy Committee—*Continued.*
Messrs. McInnes, Kaulbach, Allan, 654. Amt. *m.* (Mr. McInnes) to re-commit with instructions accordingly, 655. Remarks: Mr. Power, 655; Messrs. McInnes, Power, McMillan, Clemow, 656; Messrs. Clemow, Power, Kaulbach, Dever, 657; Messrs. Angers, Dever, Power, Perley, Poirier, McInnes, 658; Messrs. Perley, McInnes, 659; Amt. adopted (C. 27, N.-C. 26), 660.

Interprovincial Bridge at Hull.
Remarks (Mr. Clemow) on 2nd R. of Ry. Subsidies B., 857.

**Iron and Steel, manufactured from Canadian ore, $2 per ton bounty; B. (170).**—*Mr. Bowell.*
1st R., 867.
2nd R. *m.* (Mr. Bowell), 867; remarks: Messrs. Power, Scott, Bowell, 867; Mr. Kaulbach, 868; M. agreed to, 868.
3rd R., 868.
Assent, 884.
(57-58 *Vict., cap.* 9.)

Irrigation, N. W. Terries. *See* "N.W.T."

——— *See also* "Fish Creek, Irrigation, B."

Joggins Ry. to Young's Mills, subsidy. *See:*
"Railways, subsidies to, B."

**Johnson, Orlando G. R., Divorce B. (W).**—*Mr. Clemow.*
Introduced*, 263.
2nd R.,* 333.
Adoption of 18th Report of Com. *m.* (Mr. Kirchhoffer), 428. M. agreed to on a division, 428.
3rd R. *m.* (Mr. Clemow) 428; M. agreed to on a division, 428.
3rd R., 428.
Assent, 883.
(57-58 *Vict., cap.* 132.)

Johnstone, Judge, Halifax, salary. *See* debate on:
"Judges of Provincial Courts B."

**Joint Stock Cos., Incorp. and regulation of (The Companies Act, 1894); B. (EE).**—*Mr. Bowell.*
1st R., 426; remarks: Mr. Bowell, that B. will be explained on 2nd R., 426.
2nd R. *m.* (Mr. Bowell), 522; remarks: Messrs. Scott, Bowell, 523; Messrs. Power, Clemow, Kaulbach, Bowell, 524; M. agreed to, 524.
In Com. of the W.; on section 1; remarks: Mr. Bowell, 581.
On subsection 1; remarks: Messrs. Power, Bowell, 581; cl. allowed to stand, 581.
On cl. 3: Messrs. Power, Bowell, 581; cl. adopted, 581.
On cl. 5: Mr. Power, 581; Messrs. Scott, Bowell, 582; cl. adopted, 582.
On cl. 50: Messrs. Scott, Bowell, 582; cl. adopted, 582.
On cl. 81: Messrs. Power, Angers, Scott, Bowell, 582; cl. allowed to stand, 582.
On cl. 93: Messrs. Power, Bowell, Scott, 582; Messrs. Scott, Power, Clemow, 583; cl. adopted, 583.
On cl. 160: Messrs. Power, Bowell, 583; suggestion, Mr. Bowell, that it be made $100,000 all through; suggestion adopted, 583.
On cl. 195: Messrs. Power, Bowell, DeBoucherville, 583; Messrs. Boulton, Power, Bowell, Clemow, Dickey, 584; cl. adopted, 584.
On table "B.": Messrs. Power, Bowell, 584.
On cl. 2: Mr. Bowell, 584; cl. adopted, 585.

**Joint Stock Cos. Act**—*Continued.*
On cl. 81: Mr. Bowell, 585; cl. adopted, 585; B. reported from Com. (Mr. Vidal), with Amts., which concurred in, 585.
3rd R. *m.* (Mr. Bowell), 585; M. agreed to, 586.

Joliette and St. J. de Matha Ry. (two subsidies). *See:*
"Railways, subsidies to, B."

**Judges of Provincial Courts Act Amt.; salary of Acting Chief Justice, Superior Court, Que.; County Court Judges, B.C.; B. (155).**—*Mr. Angers.*
1st R.*, 687.
2nd R. *m.* (Mr. Angers), 691; M. agreed to, 691.
In Com. of the W., on 2nd cl.; remarks: Messrs. Kaulbach, Angers, 702; Messrs. Dever, Power, Kaulbach, 703; Messrs. Dever, Angers, Kaulbach, Power, 704; Bill reported from Com. (Mr. Sullivan) without amt., 704.
3rd R., 704.
Assent, 883.
(57-58 *Vict., cap.* 56.)

Justice, Administration of.
Death penalty commuted, two B.C. Indians.—M. (Mr. McInnes, B. C.) for reports, Orders in Council, &c., 199. Remarks: Mr. McInnes, 199–201; Mr. O'Donohoe, ques., 201; Mr. McInnes, 201; Messrs. Kaulbach, Angers, 202; Messrs. McInnes, Angers, 203; Messrs. Kaulbach, Angers, Power, McInnes, 204; Messrs. Angers, McInnes, 205. M. agreed to, 205.
Inqy. (Mr. McInnes, B.C.) for the papers, 288. Reply (Mr. Bowell), will be inquired for, 289.
Further inqy. (Mr. McInnes, B.C.) for the papers, 348. Reply (Mr. Angers), Returns not yet finished, 348; remark, Mr. McInnes, 348.

——— *See also:*
"Criminal Code, 1892, Amt. B."
"Fisheries Act Amt. B." (penalties).
"Homestead Exemption Act repeal B."
"Inland Revenue Act Amt B." (penalties).
"Interest Act Amt. B." (Judgment debts, B.C.)
"Judges of Provincial Courts, B."
"Montreal Harbour Commissrs. B.," debate on cls. respecting prevention of theft, &c.
"New Brunswick, Juvenile Offenders, custody, B."
"N.W.M. Police Acts consolid. B." (powers of Constables in other Provinces).
"N.W.T. Acts further Amt. B."
"N.W.T., Game preservation B.," debate on cls. respecting convictions and penalties.
"Ontario, Houses of Refuge for Females, B."
"Revenue Act Amt. B." (Customs seizures, lawsuits).
"Trade, conspiracies in restraint of, B."
"Youthful Offenders, punishment, B."

Juvenile Offenders, separate custody and trial. *See:*
"Youthful Offenders, B."

——— in N.B., Custody of. *See:*
"New Brunswick, Juvenile Offenders, B."

Kingsford's History. *See* "Books, purchase of."

Labour day, Holiday. *See* "Holidays, law, Amt. B."

Labrador exploring expedition.
Remarks in debate on the Address: Mr. Boulton, 70.

Ladies of the Sacred Heart of Jesus; B. *See:*
"Sacred Heart."

**Lake Erie and Detroit River Ry. Co.; London and Port Stanley Ry. Co., lease confirmed, &c.; B. (82).**—*Mr. MacInnes (Burlington).*
1st R.*, 692.
2nd R.*, 692.
3rd R.*, 705.
Assent, 884.
(57-58 *Vict., cap.* 76.)

**Lake Megantic Ry. Co. Incorp. B. (58).**—*Mr. Ogilvie.*
1st R.*, 499.
2nd R.*, 526.
3rd R. (*m.* by Mr. MacInnes, Burl.)*, 580.
Assent, 883.
(57–58 *Vict., cap.* 77.)

Lake Temiscamingue Colonization Ry., subsidy. *See:*
"Railways, subsidies to, B."

Land Grants, N.W. Campaign. *See* Militia."

——— to Railways. *See* "Railway subsidies (land)."

**Land in the Terries. Act consolid. (Land Titles Act, 1894); B. (HH).**—*Mr. Angers.*
1st R., *m.* (Mr. Angers), 629; remarks: Messrs. Lougheed, Angers, respecting printing of B., 629. M. agreed to, 629.
2nd R.*, 635.
In Com. of the W., 674; remarks: Mr. Angers, 675; on cl. 2, Messrs. Power, Angers, Lougheed, 675; cl. adopted, 675.
On clause 5: Messrs. Angers, Power, Lougheed, Vidal, 675; Scott, Angers, Lougheed, 676; cl. adopted, 676.
On clause 23: Messrs. Power, Angers, 676; cl. adopted, 676.
On clause 56, subsection (*d*): Messrs. Angers, Lougheed, 676; cl. adopted, 676; Mr. Landry, from Com., reported progress, and asked leave to sit again, 676.
In Com. of the W., resumed, 677; on clause 89: Messrs. Scott, Angers, 677; cl. allowed to stand, 677.
On cl. 92: Messrs. Power, Angers, Lougheed, 677; cl. allowed to stand, 677.
On cl. 94: Mr. Lougheed, 677; Messrs. Scott, Angers, Power, Kirchhoffer, Lougheed, 678; cl. allowed to stand, 678.
On cl. 99: Messrs. Lougheed, Angers, Power, 678; Amt. *m.* (Mr. Lougheed), 678; Messrs. Angers, Lougheed, 679; Amt. agreed to and cl. adopted, 679.
On cl. 100: Mr. Lougheed, 679; cl. allowed to stand, 679; Mr. Landry, from Com., reported progress, and asked leave to sit again, 679.
On cl. 87: Mr. Angers, 681; cl. adopted, 681.
On cl. 92: Mr. Angers, 681; cl. adopted, 681; B. reported from Com. (Mr. Landry), with Amts., which concurred in, 681.
3rd R., 681.
Assent, 884.
(57–58 *Vict., cap.* 28.)

Land, irrigation, B. *See* "N.W.T."

Lands, Act affecting. *See also:*
"Homestead Exemption Act Repeal B."

Lands, C.P.R., Hudson Bay, and School. *See:*
"Railway subsidy (land) to C.P. Ry. Co., B."

Lands, Dominion, Act. *See* "Dominion Lands."

Law, administration of. *See* "Justice."

LEAD, WHITE, ADULTERATION. *See* "Fraudulent sale, &c., B."

LEGISLATION, GOVT., BACKWARD STATE, &C.

Opposition criticisms and Govt. replies, on 2nd R. of Electric Light Inspection B.: Mr. Scott, 693; Messrs. Angers, Scott, Allan, 694; Messrs. Clemow, Angers, Power, 695; Messrs. Kaulbach, Power, McInnes, Angers, 696; Messrs. McInnes, (B.C.), Angers, 697; Messrs MacInnes (Burlington), Perley, Primrose, 698; Messrs. McInnes (B.C.), Primrose, Power, 699.

Further comments, on 2nd R. of Customs duties (new Tariff) B.: Mr. Power, 870; reply, Mr. Bowell, 874; other allusions following in same debate.

LIBRARY, JOINT COMMITTEE ON.

Adoption of cl. of Report of Com. of Selection, nominating, *m.* (Mr. Bowell) and agreed to*, 98.

Report presented (the Speaker), 309. Adoption *m.* (Mr. Allan), with remarks on commemoration plate of first steamer across Atlantic; purchase of Clement's "Constitution" and Kingsford's "History of Canada," 309. Remarks on adoption of Report, pending its going through Commons: Messrs. DeBoucherville, Kaulbach, Allan, 309; M. agreed to, 309.

2nd Report.—Adoption *m.* (Mr. Allan), with further remarks on "Royal William" commemoration plate, 521; M. agreed to, 522.

LIFE INSURANCE, BS. RESPECTING. *See* "Insurance."

**Lighthouses, Buoys and Beacons, and Sable Island Act Amt.; power to Minister to appoint Keepers with $200 salaries; also to make contracts and purchase supplies; B. (B).**—*Mr. Bowell.*

Introduced and 1st R. *m.* (Mr. Bowell), Bill explained, 86; M. agreed to, 86.

2nd R. *m.* (Mr. Bowell), 88; remarks: Messrs. Kaulbach, Scott, Bowell, Miller, 89; M. agreed to, 89.

In Com. of the W.—Remarks: Messrs. Power, Bowell, 90; reported (Mr. Ferguson, Niagara), with an Amt., which concurred in, 90.

3rd R.*, 98.

Assent, 882.

(57-58 *Vict., cap.* 41.)

LIME RIDGE TO CO. OF MEGANTIC, RY. SUBSIDY. *See:*

"Railways, subsidies to, B."

**Lindsay, Bobcaygeon & Pontypool Ry. Co. Incorp. Act revived and time for construction extended; B. (29).**—*Mr. Dobson.*

Introduced*, 229.

2nd R.*, 264.

B. reported from Com., M. (Mr. Dobson) for 3rd R. of B. Point of order (Mr. Vidal); Mr. Dobson *m.* that the B. be read a 3rd time tomorrow, 277. M. agreed to, 277.

3rd R.*, 278.

Assent, 882.

(57-58 *Vict., cap.* 78.)

LINDSAY, BOBCAYGEON & PONTYPOOL RY., SUBSIDY.

*See* "Railways, subsidies to, B."

LIQUOR TRAFFIC. *See* "Prohibition."

LOBSTER PACKING, INSPECTING, BRANDING. *See:*

"Fisheries Act Amt. B."

LOBSTER TRADE—*referred to* in debate on:

"France, Treaty with, ratification B."

LONDON AND P. STANLEY RY. CO., lease, borrowing powers, &c., in:

"Lake Erie and Detroit River Ry. Co.'s B."

**Lord's day, better observance, B. (2).**—*Mr. Allan.*

1st. R.*, 527. M. (Mr. Allan), for 2nd R. to-morrow, 527; notice of Amt. (Mr. Almon), 6 months' "hoist", 528; M. agreed to, 528.

2nd R. *m.* (Mr. Allan), 565; Amt. (Mr. Almon), for 6 months' "hoist," 566-7; remarks: Mr. Bellerose, 567; Messrs. Scott, Bellerose, Almon, Miller, 568; Messrs. Scott, McCallum, Angers, Allan, 569; Messrs. Miller, Allan, 570; Mr. Kaulbach, 571; Messrs. O'Donohoe, Kaulbach, Smith, Allan, Prowse, Almon, 572; Messrs. Prowse, Sir Frank Smith, Bowell, Miller, 573; Messrs. Macdonald (B.C.), Allan, Miller, 575; Mr. Reesor, 576; Messrs. Ferguson (P.E.I.), Primrose, 577; Messrs. Vidal, Clemow, 578; Messrs. Vidal, Dever, 579. The House divided on the Amt., which adopted (C. 22, N.-C. 13), 579.

LOTBINIERE AND MEGANTIC RY., SUBSIDY. *See:*

"Railways, subsidies to, B."

LUNENBURG HARBOUR, BALLAST-THROWING. *See:*

"Harbours, public, B.", debate on.

MCCARTHY, MR. D., POLITICAL ATTITUDE OF.

Remarks (Mr. Ferguson, P.E.I.) in debate on M. (Mr. Bernier), on Man. Schools question, 182.

Ques. of Privilege (Mr. Ferguson), quoting from Toronto *Globe*, 205.

MAIL SERVICES. *See:*

"Ocean communication, increased."

MALONE AND ST. LAWRENCE RY. CO., LEASING POWERS, &C. *See:*

"St. Lawrence and Adirondack Ry. Co.'s B."

MALT, EXCISE DUTY. *See* "Inland Revenue Act Amt."

**Manitoba and N.W. Ry. Co.; work on extensions, time for completion extended; B. (X).**—*Mr. Lougheed.*

Petition presented (Mr. Read, Quinté) for leave to present petition relating to Manitoba and North-western Railway Co., 224; remarks: Mr. Miller, 225; *m.* (Mr. Read) reference to Standing Orders Com., 225; M. agreed to, 225; M. (Mr. Read) that petition be read, 225; further on procedure, Mr. Miller, 225.

Introduced*, 264.

2nd R.,* 274.

3rd R., *m.* (Mr. Lougheed) 321; remarks: Amt. *m.* (Mr. Boulton) as to miles of construction required per year, by striking out the words "not exceeding" in the 15th line and inserting in lieu thereof the words "not less than," 321-6; Messrs. Kaulbach, Boulton, Lougheed, 326; Messrs. Boulton, Lougheed, Kaulbach, 327; Mr. Boulton, that the object of the Amt. was to point out to the Govt. his views of the case. With the leave of the H. the Amt. was withdrawn and the B. read 3rd time and passed, 328.

Concurrence in Amts. made by the H. of C. *m.* (Mr. Perley), 629. M. agreed to, 629.

Assent, 883.

(57-58 *Vict., cap.* 79.)

MANITOBA AND N.W. RY., SUBSIDIES. *See:*

"Railways, subsidies to, B."

Manitoba and N.W. Schools question.
M. (Mr. Bernier) for all ordinances, petitions, reports, and Supreme Court judgments, &c., 98. Remarks: Mr. Bernier, 99-108; Messrs. Scott, Perley, 108: Mr. Bernier, 108-111.
Debate resumed: Mr. Scott, 112-119; Mr. Power, ques., 119; Mr. Scott, 119-122; Mr. Bowell, Mr. Scott, 122; Messrs. Bowell, McMillan, Scott, 123; Messrs. Bowell, Macdonald (B.C.), 124; Mr. Scott, 124-133; Mr. Bernier, Mr. Scott, 133; Mr. Power, Mr. Scott, 134.
Debate resumed: Mr. Lougheed, 144-146; Messrs. Scott, Lougheed, 146; Mr. Scott, 147; Mr. Lougheed, 147-8; Mr. Scott, 148; Mr. Lougheed, 148-150; Messrs. Bellerose, Power, Lougheed, 150; Messrs. DeBoucherville, Lougheed, 151; Messrs. McMillan, Lougheed, Scott, DeBoucherville, Power, 152; Messrs. Scott, DeBoucherville, Lougheed, 153; Messrs. Scott, Lougheed, Bellerose, Bowell, 154.
Debate resumed: Mr. Bellerose, 156-161; Mr. Lougheed, 161; Mr. Bellerose, 162-6; Messrs. Power, Angers, 166; Messrs. Scott, Angers, 167; Mr. Power, 167-172; Messrs. Bowell, Power, 172; Messrs. Bowell, Power, 173.
Debate resumed: Mr. Power, 173-4; Messrs. Lougheed, Power, 174; Messrs. Scott, Bowell, Power, 175; Messrs. Macdonald (B.C.), Scott, Power, 176; Mr. Kaulbach, 177-9; Mr. Ferguson (P.E.I.), 179-181; Messrs. Scott, Ferguson, 181; Messrs. Power, Kaulbach, Scott, Ferguson, 182; Messrs. Almon, Power, 183; Mr. Ferguson, 183-6; Messrs. Scott, Ferguson, 186; Messrs. Scott, Ferguson, 187; Mr. Power, 188; Mr. Bowell, 188-190; Messrs. Scott, Bowell, 190; Mr. Scott, 191; Mr. Bowell, 191-3; Messrs. Scott, Bowell, 193; Messrs. Scott, Bowell, 194; Messrs. Scott, Bernier, Bowell, 195; Messrs. Bowell, Scott, Power, 196. M. agreed to, 197.
M. (Mr. Bernier), his second M. on same subject, 197. Remarks (Mr. Power) that this ques. was to stand, 197; discussion on the understanding that both Ms. were to be debated together: the Speaker, Messrs. Bowell, Power, 197. The second M. put and agreed to, 197.
Petition presented (Mr. Bowell) of Cardinal Taschereau and R.C. Bishops, in relation to school laws of N.W.T., 331. Inqy. (Mr. Bellerose) as to printing, 331; remarks on procedure: Messrs. Bowell, Bellerose, 331; Messrs. Kaulbach, Bellerose, 332; M. (Mr. Bellerose) for printing, 332; seconded (Mr. Almon), 332; M. agreed to, 332.
Inqy. (Mr. Bernier) whether reply received to letter to Lt.-Gov. of N.W.T., urging Amt. of School ordinance, 332. Reply (Mr. Angers), N.W.T. legislature not yet assembled, 332.
Further information and remarks (Mr. Bernier), 854-6. Reply (Mr. Angers), Govt. will give close attention to petitions sent in, and to legislation complained of, 856.

Manitoba depression due to freight rates. *See:* "C.P.R. freight rates," M. (Mr. Boulton) and debate.

——— Farmers, financial position of.
Remarks (Mr. Perley) in Com. on Insolvency B., 561.

——— Freight question. *See* "C.P.R. Freight rates."
*See also* "Hudson Bay route."

——— Future of.
Remarks (Mr. Ferguson, P.E.I.) in *m.* the Address in reply to Speech from Throne, 13, 14.

——— School lands—*affected by:*
"Dominion Lands Act Amt. B."

Manitoulin and North Shore Ry., subsidy. *See:* "Railways, subsidies to, B."

Manufacturers' bounties. *See* "Iron and Steel bounties B."

Manufactures, duties on, &c. *See:* "Tariff and Trade matters."

Marine and Fisheries, Minister, powers of. *See:* "Fisheries Act Amt." *Also:* "Lighthouses, Buoys and Beacons B."

Maritime Provinces, depression in. *See:* "Prince Edward Island."

Marking, fraudulent, restraint of, B. *See* "Fraudulent."

**Masters' and Mates' certificates Act further Amt.; B. (130).**—*Mr. Bowell.*
1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 638; remarks: Messrs. Kaulbach, Bowell, 639; M. agreed to, 639.
In Com. of the W., 676; on 8th cl.; Messrs. Power, Vidal, 677; cl. adopted, 677; B. reported from Com. (Mr. Bolduc), without amt., 677.
3rd R., 677.
Assent, 883.
(57-58 *Vict., cap.* 42.)

**Medicine Hat Ry. and Coal Co.; time for construction extended; B. (64).**—*Mr. Kirchhoffer.*
1st R.*, 365.
2nd R.*, 408.
3rd R.*, 460.
Assent, 882.
(57-58 *Vict., cap.* 80.)

Megantic Ry. Co. Incorp. B. *See* "Lake Megantic."

Members' Indemnity B. *See* "Sessional Indemnity."

Messengers, appointments, supervision, &c. *See:* "Internal Economy Com.," 3rd Report.

**Métis, Matane and Gaspé Ry. Co. Incorp. B. (78).**—*Mr. Pelletier.*
1st R.*, 513.
2nd R.*, 565.
3rd R. (*m.* by Mr. Dickey)*, 613.
Assent, 883.
(57-58 *Vict., cap.* 81.)

Michigan Central Railroad Co., agreement. *See:* "Canada Southern Ry. Co.'s B."

Michigan Midland and Canada Railroad, agreement. *See:* "Canada Southern Ry. Co.'s B."

**Militia in N. W. campaign; land grants; time further extended; B. (54).**—*Mr. Bowell.*
1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 636; remarks: Messrs. Lougheed, Bowell, Power, 637. M. agreed to, 637.
In Com. of the W.: B. reported from Com. (Mr. Lougheed) without amt., 687.
3rd R., 687.
Assent, 883.
(57-58 *Vict., cap.* 24.)

Militia Officers, retiring allowances of.
Inqy. (Mr. Boulton) respecting three, 142; reply, and on general system (Mr. Bowell), 143.

Ministers differing on Govt. B. *See* Commons Amts. to:
"Insurance Act further Amt. B."

Miramichi, Ry. connection with I. C. R., subsidy. *See* "Railways, subsidies to, B."

Mohawk and Malone Ry. Co., leasing powers, &c. *See:*
"St. Lawrence and Adirondack Ry. Co.'s B."

**Moncton and P.E.I. Ry. and Ferry Co.; time for the undertaking extended; B. (I).**—*Mr. Poirier.*
1st R.*, 205.
2nd R. *m.* (Mr. Poirier) and B. explained, 253. Debate: Mr. Kaulbach, 253; Mr. Vidal, 253–4; Messrs. Macdonald, (P.E.I.), Poirier, Vidal, 254; Messrs. Poirier, Vidal, Kaulbach, 255; Mr. Prowse, 255–6; Messrs. Ferguson, (P.E.I.), Power, 256. M. agreed to, 256.
B. reported (Mr. Dickey) from Ry. Com., with two Amts., which explained, 288. Concurrence *m.* (Mr. Poirier) and agreed to, 288.
3rd R.*, 289.
Assent, 882.
(57-58 *Vict., cap.* 82.)

Montfort Colonization Ry., subsidy. *See:*
"Railways, subsidies to, B."

**Montreal and Ottawa Ry. Co.; time for construction extended; B. (48).**—*Mr. MacInnes (Burlington).*
Introduced*, 347.
2nd R.* *m.* (Mr. MacInnes), 363; remarks respecting object of Bill (Mr. MacInnes), 363; M. agreed to, 363.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 85.)

Montreal and Ottawa Ry., subsidy. *See:*
"Railways, subsidies to, B."

Montreal Bridge Co., agreements, powers, in:
"Atlantic and L. Superior Ry. Co.'s B."
"Montreal Isld. Belt Line Ry. Co.'s B."
"Montreal Park and Isld. Ry. Co.'s B."

**Montreal Harbour Commissioners' Act, 1894; Amt. and consolidn. B. (S).**—*Mr. Bowell.*
Introduced, 226. B. partially explained (Mr. Bowell), 226.
On Order of Day for 2nd R.: B. further explained (Mr. Bowell); remarks: Mr. DeBoucherville, 227; Messrs. Power, Bowell, 228; M. (Mr. Bowell) for postponement of B., 228; M. agreed to, 228. Remarks: Mr. Bowell, that B. appeared on Order paper as printed in English when copy had not yet reached printing office (in debate on Insolvency B.), 229.
2nd R.*, 274.
M. (Mr. Bowell) that Order of Day be discharged, and that B. be taken into consideration on Monday next, 311. M. agreed to, 311.
In Com. of the W.; remarks: On 5th cl., Messrs. Bowell, Desjardins, Ogilvie, 312.
On 8th cl., Messrs. Desjardins, Ogilvie, 312; Messrs. Bowell, Ogilvie, Masson, Power, 313; Mr. Bowell, 313–314; Mr. Desjardins, 314–315.
On 16th cl., Messrs. Power, Ogilvie, Desjardins, Smith, Bowell, 315; Messrs. Desjardins, Power, Dickey, 316.
On 18th cl., Messrs. Power, Bowell, Ogilvie, Desjardins, 316; Messrs. DeBoucherville, Miller, Ogilvie, Bowell, Vidal, Power, 317.

**Montreal Harbour Commis. Act**—*Contd.*
On 26th cl., Mr. Bowell, 317; Messrs. Power, Bowell, Scott, Angers, 318; Mr. Kaulbach, 319.
On 35th cl., Messrs. Bowell, Desjardins, Power, Ogilvie, 319.
On 36th cl., Messrs. Power, Bowell, 319; Messrs. Power, Desjardins, 320.
On 41st cl., Messrs. Bowell, Power, 320.
On 47th cl., Messrs. DeBoucherville, Lougheed, Dickey, Bowell, 320; progress reported (Mr. Vidal), 320.
Again in Com. of the W., on cl. 5; remarks: Mr. Bowell, no necessity for change, 331; cl. adopted, 331.
On cl. 6, Mr. Bowell *m.* that cl. be struck out and cl. substituted defining limits of harbour, 331. M. agreed to, 331.
On cl. 47, Mr. Bowell *m.* that cl. be struck out of B., 331. M. agreed to, 331.
From the Com., (Mr. Vidal) B. reported with Amts., which concurred in, 331.
3rd R.*, 332.
Concurrence in Amts. made by H. of C. *m.* (Mr. Bowell), 628; remarks: Messrs. DeBoucherville, Bowell, Angers, Desjardins, 628; Messrs. Bowell, Desjardins, 629. M. agreed to, 629.
Assent, 883.
(57–58 *Vict., cap.* 48.)

Montreal "Gazette," erroneous report in.
On division on the Insolvency B.—Correction made (Mr. Miller), 620.

Montreal Harbour improvements.
M. (Mr. Desjardins) for Reports and correspondence; also reports of progress and expenses incurred to date; contracts; and corresp. respecting access of Rys. to wharfs, 278; M. agreed to*, 278.

**Montreal Isld. Belt Line Ry. Co.; Dominion Incorp.; main line and extensions; elevated Ry. in city; agreements with other Cos., &c.; B. (59).**—*Mr. Bellerose.*
1st R.*, 513.
2nd R. *m.* (Mr. Tassé); remarks: Messrs. McCallum, Desjardins, Bellerose, 565; M. agreed to, 565.
2nd R., 565.
B. presented from Com. (Mr. Dickey) with 3 Amts., 603; remarks: Mr. Dickey, 603. *m.* (Mr. Bellerose) that Amts be taken into consideration to-morrow, 604. M. agreed to, 604.
Concurrence in Amts. *m.* (Mr. Tassé), 619; M. agreed to, 619. Amt *m.* (Mr. Drummond), 619; remarks: Mr. Tassé, 619. M. agreed to, 619.
3rd R. *m.* (Mr. Tassé), 621; Amt. *m.* (Mr. Power) restricting elevated line, in city, to passenger traffic, 621–2; remarks: Messrs. Murphy, Kaulbach, Vidal, 622; Messrs. Tassé, Vidal, Kaulbach, 623; Messrs. Vidal, Boulton, Desjardins, 624; Messrs. Vidal, Desjardins, Power, 625; Messrs. Power, Pelletier, Clemow, Scott, 626; division on Amt., which rejected (C. 7, N–C. 30), 627.
Assent, 883.
57–58 *Vict., cap.* 83.)

**Montreal, Ottawa and Georgian Bay Canal Co. Incorp. B. (138).**—*Mr. Clemow.*
1st R.*, 692.
2nd R.*, 692.
3rd R.*, 705.
Assent, 884.
(57–58 *Vict., cap.* 103.)

**Montreal Park and Isld. Ry. Co., Dominion Incorp., &c.; B. (68).**—*Mr. Ogilvie.*
1st R *, 691.
2nd R. *m.* (Mr. Ogilvie), 691; remarks: Messrs. Power, Ogilvie, 691. M. agreed to, 692.
B. reported from Com. (Mr. Allan) with Amts.; *m.* (Mr. Ogilvie) that Amts. be concurred in, 692. M. agreed to, 692.
3rd R., 692.
Assent, 884.
(57-58 *Vict., cap.* 84.)

Motormen, shelter for. *See:*
"Railway Act Amt. B."

Mounted Police B. *See* "N. W. Mounted Police."

Musquodoboit Valley Ry.
Inqy. (Mr. Power) intention to aid by subsidy or otherwise, 639. Remarks: Mr. Power, 639; Mr. Kaulbach, 642.
Reply (Mr. Angers) railway policy under consideration, plea thus made will be considered, &c., 644. Further remarks: Messrs. Power, Kaulbach, 644.
Remarks on above Inqy., &c., on 2nd R. of Ocean Steamship Subsidies B.: Messrs. Angers, Kaulbach, Power, 815.
Remarks on 2nd R. of Railway Subsidies B.: Mr. Power, 865; Messrs. Kaulbach, Power, 866.

Nakusp and Slocan Ry., subsidy. *See:*
"Railways, subsidies to, B."

Nanaimo and Esquimalt Ry. B.
Remarks as to its being thrown out in Senate (Mr. Read, Quinté) 353; and passed afterwards (Mr. Scott) 353.

Nelson Valley Ry.—*referred to on:*
"Hudson Bay Ry. construction B. (BB)."

**New Brunswick, Juvenile Offenders, custody of, B. (GG).**—*Mr. Bowell.*
1st R., 482-3.
2nd R.*, 526.
In Com. of the W., 565; remarks: Messrs. Macdonald (B.C.), Bowell, Allan, 565, B. reported from Com. (Mr. Dever), without amt., 565.
3rd R., 565.
Assent, 883.
(57-58 *Vict., cap.* 59.)

New Brunswick Schools question.—*referred to in:*
"Manitoba and N.W.T. Schools" debate.

New Glasgow Iron, Coal and Ry. Co., subsidy. *See:*
"Railways, subsidies to, B."

New Glasgow, public wharf. *See:*
"Pictou Harbour Acts further Amt. B."

New York Central, &c., Ry. Co., leasing powers, &c. *See:*
"St. Lawrence and Adirondack Ry. Co.'s B."

**New York, New England and Canada Co. Incorp. B. (71).**—*Mr. Power.*
1st R.*, 635.
2nd R. *m.* (Mr. Power), 648; remarks: Mr. Kaulbach, 649. M. agreed to, 649.
3rd R.*, 689.
Assent, 883.
(57-58 *Vict., cap.* 113.)

Niagara Falls Park Commrs., agreement. *See:*
"Clifton Suspension Bridge Co.'s B."

**Niagara Falls Suspension Bridge Co.; enlargement of Bridge; bonding power, &c.; B. (66).**—*Mr. McKindsey.*
1st R.*, 426.
2nd R.*, 483.
3rd R. (*m.* by Mr. McCallum)*, 580.
Assent, 883.
(57-58 *Vict., cap.* 98.)

**Niagara Grand Island Bridge Co.; time for construction extended; B. (32).**—*Mr. Ferguson (P.E.I.)*
Introduced*, 321.
2nd R.*, 350.
3rd R. (*m.* by Mr. Dickey)*, 366.
Assent, 882.
(57-58 *Vict., cap.* 99.)

Nicola Valley Ry., subsidy. *See:*
"Railways, subsidies to, B."

Nipissing and James Bay Ry., subsidy. *See:*
"Railways, subsidies to, B."

North Shore Ry. subsidy. *See* "Railways."

**Northern Life Assurance Co. Incorp. B. (51).**—*Mr. Power.*
1st R.*, 426.
2nd R. *m.* (Mr. Power), 481; M. agreed to, 481.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 122.)

North-west Campaign, Land grants. *See* "Militia."

**North-west Mounted Police Acts amd. and consolid.; B. (121).**—*Mr. Bowell.*
1st R.*, 631.
2nd R. *m.* (Mr. Bowell), 632-3. Explanation of B., 632-3. Remarks: Messrs. Lougheed, Bowell, 633. M. agreed to, 634.
In Com. of the W.; remarks: Mr. Angers, 645. On 4th cl., remarks as to pay, etc.: Messrs. Almon, Power, 645; Messrs. Angers, Power, 646; Messrs. Allan, Angers, 647. Cl. adopted, 647.
On cl. 5: Messrs. Scott, Angers, Kaulbach, 647. Cl. adopted, 647.
On cl. 6: Messrs. Power, Angers, Ogilvie, 647. Cl. adopted, 647.
On cl. 9: Messrs. Power, Lougheed, Dever, Angers, Scott, 648. B. reported from Com. (Mr. Macdonald, B.C.) without amt., 648.
3rd R. *m.* (Mr. Angers), 674. M. agreed to, 674.
Assent, 883.
(57-58 *Vict., cap.* 27.)

**North-west Territories Act further Amt.; administration of justice; Legislative term extended to four years; appointment of Executive Com., &c.; B. (149).**—*Mr. Angers.*
1st R.*, 825.
2nd R.*, 854.
In Com. of the W., on cl. 2; remarks: Messrs. Power, Angers, 858; Mr. Angers, 859; Amt. *m.* (Mr. Kaulbach), and agreed to, 859; cl. adopted, 859.
On cl. 16: Mr. Power, 859; Amt. *m.* (Mr. Angers), and cl. as amended adopted, 859.
On cl. 17: Messrs. Power, Angers, and Amt. *m.* (Mr. Angers), and cl. as amended, adopted, 859.
Bill reported (Mr. Clemow) with Amts., 859.
3rd R., 859.
Assent, 884.
(57-58 *Vict., cap.* 17.)

North-west Terries., Boards of Trade in. *See:*
"Boards of Trade Incorp. Act Amt. B."

North-west Terries., depression due to freight rates. *See:*
"C.P.R. freight rates," M. (Mr. Boulton) and debate.
*See also* "Hudson Bay route."

North-west Terries., future of.
Remarks in *m.* the Address in reply to Speech from the Throne (Mr. Ferguson, P.E.I.), 13, 14.

North-west Terries., Homestead Exemptions. *See:*
"Homestead Exemption Act Repeal B."

**North-west Territories Irrigation B. (134).** —*Mr. Angers.*
1st R.*, 676.
2nd R. *m.* (Mr. Angers), 679; M. agreed to, 679.
In Com. of the W.: Messrs. Angers, Scott, 681.
On cl. 2: Mr. Lougheed, 681; sub.-cl. allowed to stand, 681.
On cl. 4: Mr. Power, 681; Messrs. Lougheed, Bernier, Angers, Scott, 682; Messrs. Bernier, Lougheed, Angers, Kaulbach, Power, 683; Messrs. Lougheed, Angers, Power, 684. cl. adopted, 684.
On section 8: Messrs. Lougheed, Vidal, 684; Messrs. Angers, Lougheed, Power, Vidal, Scott, 685; Amt. *m.* (Mr. Power), 685; cl. as amended was adopted, 685.
On cl. 12: Messrs. Lougheed, Power, Angers, 686; Messrs. Angers, Lougheed, 686; cl. adopted, 686.
On cl. 29: Messrs. Lougheed, Angers, 686; cl. adopted, 686; Mr. Macdonald (B.C.), from Com., reported progress, and asked leave to sit again, 686.
In Com. of the W., resumed; B. reported from Com. (Mr. Macdonald), with Amts., which concurred in, 686.
3rd R.*, 686.
Assent, 884.
(57-58 *Vict., cap.* 30.)

——— *See also* "Fish Creek, Irrigation B."

North-west Terries., Land Titles Act. *See* "Land."

North-west Terries., Lands. *See also:*
"Dominion Lands Act Amt. B."
"Homestead Exemption Act Repeal B."
"Railway subsidy (land) to C.P.R. Co., B."

**North-west Territories Representation Act Amt.; vote by Ballot, provision for; B. (5).**—*Mr. Angers.*
Remarks in debate on the Address: Mr. McInnes (B.C.), 54; Mr. Angers, 54.
1st R.*, 426.
2nd R. *m.* (Mr. Angers), 461; remarks: Messrs. Almon, Prowse, 461; Messrs. Almon, Power, McKay, Bowell, 462; Messrs. Perley, Ferguson (P.E.I.), 463; Messrs. Macdonald (B.C.), Reesor, 464; M. agreed to, 464.
M. (Mr. Angers) H. into Com. of the Whole; remarks: Mr. Bernier, 486; M. agreed to, 486.
On 3rd cl.; remarks: Messrs. Power, Angers, 486; cl. adopted, 486.
On 6th cl.; remarks: Messrs. Almon, Angers, Scott, 486; cl. adopted, 486.
On 7th cl., Amt. *m.* (Mr. Angers), 486; M. agreed to, 486; Mr. Dickey, from Com., reported progress, and asked leave to sit to-morrow, 486.

**North-west Territories Representation Act Amt.**—*Continued.*
Com. of the W. resumed; remarks: Mr. Angers, 497; Mr. Dever, from Com., reported progress, and asked leave to sit again, 498.
In Com. of the W.; Amt. *m.* (Mr. Angers), 614; remarks: Messrs. Power, Angers, 614; Messrs. Power, Angers, Kaulbach, 615; Amt. agreed to, 615; B. reported from Com. (Mr. Dever), with Amts., 615.
Concurrence in Amts. *m.* (Mr. Angers), 620; M. agreed to and B. read 3rd time and passed, 620.
Assent, 883.
(57-58 *Vict., cap.* 15.)

North-west Terries., Schools question.
M. (Mr. Bernier) for all ordinances, petitions, reports and Supreme Court judgments, &c., 98. Remarks: Mr. Bernier, 99-108; Messrs. Scott, Perley, 108; Mr. Bernier, 108-111.
Debate resumed: Mr. Scott, 112-119; Mr. Power, ques., 119; Mr. Scott, 119-122; Messrs. Bowell, McMillan, Scott, 123; Messrs. Bowell, Macdonald (B.C.), 124; Mr. Scott, 124-133; Messrs. Bernier, Scott, 133; Messrs. Power, Scott, 134.
Debate resumed: Mr. Lougheed, 144-146; Messrs. Scott, Lougheed, 146; Mr. Scott, 147; Mr. Lougheed, 147-8; Mr. Scott, 150; Messrs. DeBoucherville, Lougheed, 151; Messrs. McMillan, Scott, Lougheed, DeBoucherville, Power, 152; Messrs. Scott, DeBoucherville, Lougheed, 153; Messrs. Scott, Lougheed, Bellerose, Bowell, 154.
Debate resumed: Mr. Bellerose, 156-161; Mr. Lougheed, 161; Mr. Bellerose, 162-166; Messrs. Power, Angers, 166; Messrs. Scott, Angers, 167; Mr. Power, 167-172; Messrs. Bowell, Power, 172; Messrs. Bowell, Power, 173.
Debate resumed: Mr. Power, 173-174; Messrs. Lougheed, Power, 174; Mr. Scott, 175; Messrs. Bowell, Power, 175; Messrs. Macdonald (B.C.), Scott, Power, 176; Mr. Kaulbach, 177-179; Mr. Ferguson (P.E.I.), 179-181; Messrs. Scott, Ferguson, 181; Messrs. Power, Kaulbach, Scott, Ferguson, 182; Messrs. Almon, Power, 183; Mr. Ferguson, 183-186; Messrs. Scott, Ferguson, 186; Messrs. Scott, Ferguson, 187; Mr. Power, 188; Mr. Bowell, 188-190; Messrs. Scott, Bowell, 190; Mr. Scott, 191; Mr. Bowell, 191-193; Messrs. Scott, Bowell, 193; Messrs. Scott, Bowell, 194; Messrs. Scott, Bernier, Bowell, 195; Messrs. Bowell, Scott, Power, 196; M. agreed to, 197.
M. (Mr. Bernier), his second M. on same subject, 197. Remarks (Mr. Power) that this ques. was to stand, 197. Discussion on the understanding that both Ms. were to be debated together: the Speaker, Messrs. Bowell, Power, 197. The second M. put and agreed to, 197.
Petition presented (Mr. Bowell) of Cardinal Taschereau and R.C. Bishops, in relation to school laws of N.W.T., 331. Inqy. (Mr. Bellerose), as to printing, 331; Remarks on procedure: Messrs. Bowell, Bellerose, 337; Messrs. Kaulbach, Bellerose, 332; M. (Mr. Bellerose) for printing, 332; seconded (Mr. Almon), 332; M. agreed to, 332.
Inqy. (Mr. Bernier), whether reply to letter to Lt. Gov. of N.W.T., urging Amt. of school ordinances, 332. Reply (Mr. Angers), N.W.T. legislature not yet assembled, 332.
Further information and remarks (Mr. Bernier), 854. Reply (Mr. Angers) Govt. will carefully consider petitions sent in, and legislation complained of, 856.

North-west Terries, settling of, by the C.P.R. Co.
Remarks, on 2nd R. of Ry. land subsidies B.: Messrs. Power, Kaulbach, Scott, 863.

**North-west (Unorganized Territories) Game preservation Act, 1894; B. (Z).** —*Mr. Bowell.*

Introduced, 286. B. explained (Mr. Bowell), 286-7; remarks: Messrs. Lougheed, Bowell, 287; Mr. Bowell, 288.

2nd R., *m.* (Mr. Bowell) 306; remarks: Mr. Power, 306; Messrs. Macdonald (B. C.), Power, Kaulbach, Bowell, 307; Messrs. Perley, Power, 308; M. agreed to and B. read 2nd time, 308.

In Com. of the W.: on 1st cl., Mr. Power, suggestion that B. might be amended so as to read "The Territories Game Preservation Act," 333; Mr. Bowell, 333; cl. amended accordingly and adopted.

On 2nd cl.; remarks: Mr. Power, respecting which portions of Canada it covers, 333; Messrs. Kaulbach, Drummond, Lougheed, 333; Mr. Power suggested to alter the cl. so as to protect the moose and caribou in Labrador, 334; Mr. Drummond, 334; Mr. Bowell, note made and if deemed advisable B. will be referred back to Com. at 3rd R., 334. The cl. was adopted, 334.

On 5th cl.; remarks: Mr. Power, respecting time of close season, 334. Messrs. Allan, Bowell, Power, 334; Messrs. Bowell, Power, Boulton, 335; Messrs. Bowell, Power, Lougheed, McClelan, 336; cl. adopted, 337.

On subsection (*g*); remarks: Messrs. Kaulbach, Bowell, respecting category of swan, 337; Mr. Power, change of date, 337; cl. adopted, 337.

On 8th cl.; remarks: Messrs. Lougheed, Allan, Boulton, Masson, Kaulbach, respecting indiscriminate slaughter of game for sport, 337; Messrs. Allan, Sutherland, Masson, Power, Bowell, Lougheed, 338; Messrs. Masson, Lougheed, Power, Drummond, Bowell, 339; cl. adopted, 339.

On 15th cl.; remarks: Mr. Power, respecting provisions of cl. 339; Messrs. Bowell, Lougheed, Power, 340; cl. allowed to stand, 340.

On 17th cl.; remarks: Messrs. Power, Lougheed, DeBoucherville, Bowell, respecting disposal of animal or bird illegally killed, 340; Messrs. Bowell, Prowse, 341; cl. adopted, 341.

On 19th cl.; remarks: Messrs. Lougheed, Bowell, Power, Ferguson (P. E. I.), respecting guilt of person, and evidence necessary, 341; Messrs. Ferguson, Bowell, Lougheed, Masson, Gowan, 342; cl. was allowed to stand, 342.

On 22nd cl.; remarks: Mr. Allan, respecting certificate for collections, 342-3; Messrs. Bowell, Power, Lougheed, 343.

On 26th cl.; remarks: Mr. Power, respecting giving the Governor power to change season, 343; Mr. Bowell, 343; Mr. McDonald (C. B.), reported progress and asked leave to sit again, 343.

Again in Com. of the W.; remarks: Messrs. Bowell, Power, respecting change of name, and *m.* (Mr. Bowell) to change name to the Unorganized Territories Game Preservation Act, 356; cl. amended accordingly and adopted, 356.

On cl. 15; remarks: Messrs. Bowell, Power, and *m.* (Mr. Bowell) that 15th cl. be struck out and substituted form inserted as cl. 12, 356; Mr. Bowell, 357. Amt. agreed to, 357.

On cl. 5; remarks: Messrs. Bowell, McClelan, and Amt. *m.* (Mr. Bowell) special cl. to give Governor in Council a right to change dates, 357; cl. as amended adopted, 357.

**North-west (Unorganized Territories) Game preservation Act**—*Continued.*

On cl. 19; remarks: Messrs. Bowell, Power, respecting addition of the words "on reasonable suspicion" to be added after the word "charge" in 1st line, 357; cl. as amended adopted, 357.

On cl. 22; remarks: Mr. Bowell, proposed Amt. of striking out the words "any game guardian" and insert "the Minister of the Interior or any officer or person duly authorized by him may issue a permit to any person, &c.," 357; Messrs. Drummond, Bowell, Power, 357; Mr. Drummond, 358. Mr. Bernier, that clause 19 should be struck out altogether, 358; Messrs. Reesor, Bowell, Power, Bernier, Lougheed, Masson, McClelan, 358; Messrs. Bowell, Masson, Lougheed, Drummond, 359; and *m.* (Mr. Bowell) that cl. 19 be struck out, 359; M. agreed to, 359.

On cl. 8; remarks: respecting close season for buffalo; Mr. Masson, 359; Messrs. Bowell, Power, 360; Mr. McDonald (C. B.), from Com., reported B. with Amts., which concurred in, 360-1.

Resumed in Com. of the W.: on cl. 27; remarks: Messrs. Power, Bowell, 364; cl. adopted, 364. Mr. Vidal, from Com., reported B. with an Amt., which concurred in, 364.

3rd R.*, 364.

On Order for consideration of Amts. made by H. of C. to B., 466, *m.* (Mr. Bowell) that 1st Amt. to change name of "Keewatin" be not concurred in, 466; M. agreed to, 466; other Amts. of H. of C. concurred in, 466.

Assent, 883.
(57-58 *Vict., cap.* 31.)

Notes, Dominion, increased issue, withdrawal of old, &c. *See:*

"Dominion Notes Act Amt. B."

**Nova Scotia Steel Co. Incorp. B. (131).**—*Mr. McKay.*

19th Report Standing Orders Com. (that leave to petition be granted), presented (Mr. Macdonald, B.C.), 496. M. (Mr. Miller) for suspension of Rule as regards this B., 496. Discussion on procedure: Mr. Dickey, Mr. Miller, the Speaker, 497. M. (Mr. Macdonald, B.C.), that Report be adopted; further remarks (Mr. Miller) and latter M. agreed to, 497.
1st R.*, 639.
2nd R. *m.* (Mr. McKay), 664; M. agreed to, 664.
3rd. R.*, 689.
Assent, 883.
(57-58 *Vict., cap.* 117.)

Oaths before Senate or Commons, or Committees. *See* "Parliamentary Witnesses Oaths B."

Ocean steamship communication, increased.

In Speech from the Throne, 4.
In *m.* the Address in reply: Mr. Ferguson (P. E. I.), 13.
In seconding the Address: Mr. Casgrain, 15.
In the debate: Mr. Angers, 66-7, 83; Mr. Bowell, 38-9, 46-7; Mr. Kaulbach, 47-8, 53; Mr. Macdonald (B.C.), 46, 47, 83; Mr. Power, 45-6-7; Mr. Primrose, 83; Mr. Scott, 21, 22, 29.
*See also* "Hudson Bay route.
*Also* debates on the following Bills:
"France, Treaty with, ratification B."
"Ocean steamship subsidies B."

**Ocean Steamship Subsidies Act Amt., ten years' contract, fast line to Great Britain, making connection with a French port, $750,000 a year ; B. (161).**—*Mr. Angers.*

*See, previously,* above debates.

1st R.*, 774.

2nd R. *m.* (Mr. Angers), 800 ; debate : Messrs. Angers, Power, 800 ; Messrs. Power, Angers, Dever, Allan, Ogilvie, 801 ; Messrs. Scott, Angers, Ogilvie, 802 ; Messrs. Allan, Scott, Angers, Drummond, Price, 803 ; Messrs. Price, Scott, Drummond, Clemow, Angers, Boulton, 804 ; Messrs. Power, Boulton, 805 ; Mr. Dever, 806 ; Messrs. Clemow, Angers, 807 ; Messrs. Power, Clemow, Kaulbach, 808 ; Messrs. Power, Angers, 809 ; Messrs. Drummond, Power, Angers, 810 ; Messrs. MacInnes (Burlington), Kaulbach, Power, 812 ; Messrs. Kaulbach, Power, Price, 813 ; Messrs. McCallum, Power, Angers, Kaulbach, 814 ; Messrs. Power, Angers, Kaulbach, 815 ; Messrs. McCallum, Power, Sir Frank Smith, 816 ; Messrs. Read (Quinté), Kaulbach, McCallum, Primrose, Snowball, 817 ; adjt. of debate *m.* (Mr. Snowball), 817-8 ; and agreed to, 818.

Debate resumed, 819 : Messrs. Snowball, Angers, 819 ; Mr. Drummond, 820 ; Messrs. Power, Drummond, Angers, Cochrane, and immediate assent of H. advocated, Mr. Drummond, 821 ; B. read 2nd time at length on the table, 821 ; 2nd R., 822.

M. (Mr. Angers), that rule be suspended and that B. be read 3rd time, 822 ; Messrs. Power, Angers, 823 ; M. agreed to, and B. read 3rd time and passed, 823.

Assent, 883.

(57-38 *Vict., cap.* 8.)

Reference made, in Speech from Throne, at prorogation, to generous provision made for travel, 885.

OGDENSBURG AND L. CHAMPLAIN RY. CO., LEASING POWERS, &C. *See :*
"St. Lawrence and Adirondack Ry. Co.'s B."

ONTARIO, CHILDREN'S AID SOCIETY. *See :*
"Youthful offenders, separate custody, &c., B."

**Ontario, Houses of Refuge for Females ; B. (II).**—*Mr. Angers.*

1st R. *m.* (Mr. Angers), 631 : remarks : Messrs. Kaulbach, Angers, 631 ; M. agreed to, 631.

2nd R.*, 632.

In Com. of the W. ; remarks : Messrs. Scott, Angers, 645 ; B. reported from Com. (Mr. Ogilvie) without amt., 645.

3rd R., 645.

Assent, 883.

(57-58 *Vict., cap.* 60.)

**Ontario Loan and Debenture Co. ; extension of business throughout Dominion ; B. (38).**—*Mr. McKindsey.*

1st R.*, 427.

2nd R.*, 485.

3rd R.*, 614.

Assent, 883.

(57-58 *Vict., cap.* 116.)

**Ontario Mutual Life Assurance Co. ; powers as to investment of funds extended ; B. (28).**—*Mr. Merner.*

1st R.*, 308.

2nd R.*, 333.

3rd R.*, 521.

Assent, 883.

(57-58 *Vict., cap.* 123.)

ONTARIO SCHOOL FUND, PAYMENT. *See* "Common School Fund."

OPENING OF THE SESSION.

Speech from the Throne. *See* "Speeches."

**ORDER and Procedure, questions of.**

*Adjournment over Statutory Holidays.*—Discussion whether a M. is necessary for such adjts., Mr. Scott thinking that it is not, Mr. Power that it is ; Mr. Angers' M. for the adjt. (over Ascension day) was agreed to, 311.

*Amendment not entered in Orders.*—See "Orders."

*Bill affecting Commons only.*—Mr. Power commented on Parly. etiquette, as to Senate meddling with a B. solely affecting Commons (bribed Voters B.), 499.

*Bill, Amt. interfering with municipal rights.*—Mr. Boulton opposed Mr. Power's Amt. to Montreal Belt Line Ry. B., restricting elevated line, in city, to passenger traffic, on the ground that the city controls such restrictions, if deemed locally expedient, 624.

*Bill, Commons Amts., partial concurrence.*—Mr. Miller explained proper procedure : M. specifying Amts. to be concurred in, another the Amts. not concurred in ; the strictly proper way, a separate M. to be put on each separate Amt., 634.

*Bill, discussing principle in Com.*—Considerable discussion arose as to right of Senators to debate the principle of Insolvency B., it having been so understood by Mr. Dickey and others, but not by leader of the House. Mr. Bowell, on this ground, conceded the fullest discussion on the principle, in Com., though the inexpediency of such procedure, generally, was pointed out and admitted, 503-4-5-6.—Further explanations by Messrs. Bowell and Dickey, 551.

Also discussed, general principle of expediency of an Insolvency B. having been alone affirmed by 2nd R., which clause it would be best to select, to test classes to whom B. should apply, 505-6-7.

Mr. Power also pointed out, that if B. be given an application distasteful to majority, the Com. may rise, and thus end the B., 507 ; this suggestion was deprecated by other Senators, 508. Further discussion on effect of voting a certain way on Amts., 510.

*Bill, division, demand for.*—See "Division."

*Bill, expense of.*—Mr. Kaulbach commented on the expense caused by Mr. Boulton's introduction of B. for construction of Hudson Bay Ry., for the purpose of making a speech and circulating it ; Mr. Boulton, in answer, referred to useless speeches made by Mr. Kaulbach ; to which the latter replied, 475 ; further reply, 477 ; Mr. Perley also commented hereon, 479.

*Bill, in extenso, in Debates.*—Mr. Boulton desiring publication, in Debates, of his B. for construction of Hudson Bay Ry. as a public work, suggested that his reading it might be dispensed with ; but on some Hon. Senators objecting to its appearing *in extenso* in Hansard, he claimed his right, if necessary, to read it for the purpose, 468-9. The B. appears at length at p. 469.

*Bill, nature of, questioned.*—Mr. Boulton's B. for construction of Hudson Bay Ry. "as a public work," p. 266, was objected to by Mr. Angers, because :—

1. It is not a public, but a private B., and should have been preceded by a petition, &c.
2. If a public B., it could only be introduced with sanction of the Crown, and in Commons.

The Speaker ruled the B. out of Order, 272.

**ORDER and Procedure**—*Continued.*

*Bill, premature discussion of.*—Mr. Angers held that Mr. Boulton might have been called to order for his speech on effects of French Treaty, the ratification B. not being yet introduced, 672. Mr. Scott held that such strictures were hardly fair, the Govt. having mentioned the Treaty in Speech from the Throne; and that to preclude a member of Parlt. discussing a matter now before the other branch of Parlt. would be suppressing freedom of debate that has prevailed in the past, 673. Mr. Angers explained his views, and other comments were made, 674.

*Bill, previous session, exhibits of.*—Petition of Jas. Balfour, for return of certain exhibits in his Divorce B. of last Session; referred to Divorce Com., 285-6.

*Bill, public, special Com. on.*—Notice of M. was given by Mr. Bowell, for reference, after 2nd R., of Insolvency B. (C) to a Joint Com.; but after consultation with Senators and the Premier, he decided to refer it to a Special Com. of the Senate exclusively, 225; which was done in due course. On M. for a Com. of 25, objection to such a large Com. made; several Coms. on different sections suggested; but pointed out that Com. may appoint sub-Coms., 249.

*Bill, public, 3rd* R.—Mr. Bowell *m.* 3rd R. of Public Harbours B., on its being reported from Com.; Mr. Power held that suspension of rules should be *m.*; Mr. Bowell pointed out that the Rule only applied to Private Bs., not to Public Bs. where there is no Amt.; Mr. Power thought there were Amts.; Mr. Bowell said they could hardly be called Amts., being merely corrections of clerical errors; Mr. Power did not press the point, and the B. wass passed, 277-8.

*Bill, 2nd* R., *discussion of details.*—Mr. Vidal urged that, instead of various *details* being discussed, the *principle* of due observance of the Lord's day should be affirmed by a 2nd R. of the B., leaving details to be dealt with in Com., 578.

*Bill, Senate.*—See "Senate" (below).

*Bill, tabling of papers connected with.*—See "Papers" (below).

*Bill, withdrawal, mode of.*—Mr. Lougheed having *m.* discharge of Order for 2nd R. of Rocky Mountain Ry. Co.'s B., Mr. Miller pointed out that leave for withdrawal of B. should be asked, 226; an error in form was made in carrying this out, which was corrected by Mr. Miller's advice, 252.

*Bill, withdrawal; similar one from Commons.*—Mr. Miller pointed out that, before Commons B. was introduced, leave should have been asked for withdrawal of the Senate similar B. (Wood Mountain, &c., Ry. Co.'s B.), 229.

*Bills, French translation of.*—See "French translation (in General Index to Subjects).

*Bills, private, extension of time.*—Mr. Bowell, on 21st March, *m.* extension of time for Petitions till 5th April, and for presenting, till 12th, 68; M. agreed to*, 68.

2nd Report of Standing Orders Com. presented (Mr. Macdonald, B.C.) that time for Petitions has expired, 134.

Remarks (Mr. Bowell) Govt. has no objection to extension, 155; comments: Messrs. Power, Vidal, 155; not advisable, Commons having refused (Mr. Bowell), 155.

Petitions, Notice of advt. wanting.—13th Report of Standing Orders Com. presented (Mr. Macdonald, B.C.) Remarks: Messrs. Miller, Macdonald, Allan; object of Report to place it on Journals as a warning, 264. M. (Mr. Lougheed) to refer Report back, agreed to, 264.

Reporting: extension of time till end of session. —15th Report presented (Mr. Macdonald, B.C.), with remarks, 277; Mr. Miller, 277.

15th Report as above, adoption *m.* (Mr. Macdonald, B.C.) 282. Debate on Rules and practice in this matter: Mr. Kaulbach, 282; Messrs. Macdonald (B.C.), Kaulbach, Vidal, Bowell, McKay, 283; Messrs, Lougheed, Allan, Macdonald (B.C.), Bowell, 284; Messrs. Macdonald (B.C.), Bowell, Vidal, Power, 285; M. agreed to, 285.

*Bills, private, Petition for.*—Time having expired, Mr. Miller pointed out that, if B. is presented in Commons, and comes to Senate before 2nd R., after 1st R. and before 2nd R. it can be referred to Standing Orders Com. as a petition to be reported on, 225.

*Bills, private, Petition for leave to petition.*—It was discussed, and decided as the proper course, that such a Petition should be, *on motion*, referred to Standing Orders Com.; which was done in the case of W. Barwick's petition, Man. and N. W. Ry. Co.'s B., 224-5.

*Bills, Private, 3rd R.*—Same day that B. is reported from Com., objected to, as in direct violation of Rule 70. (Lindsay, &c., Ry. Co.'s B.); and 3rd R. postponed, 277.

*Bills.*—See also "Committee, Reports."

*Cabinet Ministers, difference of opinion.*—On Message from Commons, with their Amts. to Insurance Act Amt. B. (V), Mr. Angers gave notice of an Amt. to clause restricting investments authorized for Cos.; and Mr. MacInnes (Burlington) proposed to still further extend the list, 823. On *m.* adoption of the Commons Amts., Mr. Angers gave reasons for declining to amd. the cl., 825. Mr. MacInnes then *m.* that this Commons Amt. (cl. 27) be not concurred in (thus postponing the matter for another season), 826-8. After debate, in which Govt. was urged to withdraw the Amt. for this session, Sir F. Smith expressed his regret at Mr. Angers declining to *m.* his proposed Amt., 833. Mr. Angers explained his position in the matter, 835. Comments were made upon this incident by Mr. Masson, 836; Mr. Bowell, 837, and others. Sir F. Smith quoted a precedent for difference from colleagues, 838, which precedent Mr. Angers thought it not desirable to follow, 838.

*Cablegrams, unreliable.*—Impropriety of calling attention of Parlt. to cablegrams affecting important subjects, pointed out by Mr. Bowell, upon the Behring Sea question, a cablegram forming base of an Inqy. having proved false, 226.

*Committee on new Rules, formation of, &c.*—See "Rules" (below).

*Committee Report, addition to.*—Mr. McInnes (B.C.) *m.* Amt. to M. for adoption of Internal Economy Com. Report: to amd. Report by adding cl. increasing Postmaster's salary, 654. Ques. of Order (Mr. Power), that the Report does not deal with Postmaster's salary at all, 654. Point discussed; the Speaker decided that the M. should be for a reference back, with instructions to Com. to insert the increase, 654; and Mr. McInnes altered his M. accordingly, 655.

*Com. Report, adoption, effect of.*—Standing Orders Com. recommended suspension of Rule 52, on N. S. Steel Co.'s B. Mr. Miller *m.* suspension of Rule accordingly; but, on discussion, it was decided to *m.* adoption of Com. Report, which had the same practical effect, 497.

**ORDER and Procedure**—*Continued.*

*Committee Report and Minority Report.*—Consideration simultaneously; also all the Minutes of Com., brought up, on motion, therewith. *See* "Dillon Divorce case" (in General Index to Subjects).

*Committee Report, clerical errors.*—Report on Trust Corporation of Canada's B. was adopted, the errors, being only clerical, in the printing, to be corrected by the Clerk at the Table, 265-6. Internal Economy Com. Report, omitting recommendation for which Report was re-committed, corrected at Table, 681.

*Committee, Report inaccurate.*—Pointed out that Report (Interior Economy Com.) does not embody recommendation intended by Com., as it restricts additional translators to Bill work. It was discussed whether, with unanimous consent, Report could be amd. at Table; Mr. Miller thought not. As the Report sufficed for present requirements, it was adopted as presented, 250. A separate Report, later, remedied the defect, 272-3.

*Com., Report of, without a recommendation.*—Standing Orders Com. having reported petition on a Ry. Co.'s B. not properly signed, but having made no recommendation thereon, it was found necessary, in view of Rule 17, to refer the Report back to Com., 197-8.

*Com., Special, appt.*—See "Bill, public, Com. on."

*Committees, Standing, appointment of.*—For the first time, under the new Rules, Mr. Bowell *m.* appointment of a Com. of Selection, 87; agreed to, 87. Their report was presented, and cls. respecting the various Standing Coms., were, on M. (Mr. Bowell), adopted, with some modifications, *seriatim*, 98. The Contingt. Accts. Com. was, on recommendation of Com. of Selection, changed to Internal Economy, &c., Com., 98.

*Committees, Witnesses under Oath.*—See "Parliamentary Witnesses Oaths Act," passed this session.

*Constitutional questions.*—See debates on the following Bills and Motions:—

Criminal Code Amt. B. (question as to fixing Grand Jury panel by Provincial legislatures, and quorum for criminal cases by Dominion Parlt.)
Death sentence, commutation of (prerogative of clemency).
Dillon Divorce B. (force of ecclesiastical laws in Province of Quebec, &c.)
France, Treaty with, ratification of.
Harbours, public, B. (reference by Mr. Power to Foreshores jurisdiction ques.)
Insolvency B. (question of prerogative of local legislatures, referred to Imperial Privy Council).
Interest Act Amt. B. (held by Mr. Scott, improper to interfere with procedure of Provinces, as to interest on judgments, 636).
Lord's day better observance B. (question whether such legislation should be left to the Provinces).
Man. and N.W.T. Schools question.
Montreal Harbour Commissrs. B. (question of Federal and Provincial laws clashing).
Senate, Speaker, temporary, provision for, B.
Voters, bribed, disfranchisement B. (Senate interference with a Bill solely affecting Commons).

*Correspondence, tabling.*—*See* "Papers" (below).

*Debate, expressions in.*—To a ques. of Mr. McInnes, whether Mr. O'Donohoe would vote for Dillon divorce, if petitioner answered the disputed question satisfactorily; Mr. O'Donohoe replied that it was none of Mr. McInnes's business, 453. Mr. McInnes objected to this expression, 454; and Mr. O'Donohoe offered an explanation, 455.

Mr. Power called Mr. Kaulbach to order for imputing motives (personal vanity) to Mr. Boulton, in his speeches on the French Treaty and free trade, 674; Mr. Kaulbach said he would disregard the call to order, 674. Mr. Boulton, in closing remarks, alluded to these remarks, 674.

On 2nd R. of the French Treaty ratification B., Mr. Power observed that question should not be put until House has heard from certain gentlemen, familiar with the lumber interests, "as they have come for the special purpose of taking part in the debate," 787. Mr. Burns, on rising, said he would not enter into the question whether he came for the purpose; Mr. Power observed that there is another Senator connected with the lumber interest, also present. Mr. Angers thought the reference to one was improper; there are two now, 787.

On 2nd R. Ocean Steamship subsidies (fast Atlantic line) B., Mr. Angers having referred to "calumnies directed against the safety of the route," he was called to order by Mr. Power, who stated he had never said it was dangerous, 815.

*Debate, ques. of Order, precedence in.*—Ques. of Order being before the House, Mr. O'Donohoe's Amt. to M. on Divorce case not having been placed on the Orders, Mr. McInnes (B.C.) objected to Mr. O'Donohoe speaking further on the motion, till point of order is decided, 431.

Similar objection taken by Mr. Power to Mr. McInnes speaking further on his M. for increase of Postmaster's salary, 654.

*Debate, relevancy of.*—Mr. Angers questioning the relevancy of Mr. Boulton's remarks on price of shingles in N.W.T. to his Hudson Bay Ry. B., he said this showed necessity of passing the B., 473.

Mr. McInnes's Amt. to re-commit Internal Economy Com. Report, to increase Postmaster's salary; Mr. Power objected to Hon. Senators discussing other points (of the Report) than the Amt., 657-8.

*Debate, speaking twice to Amt.*—Ques. of Order (Mr. Prowse) against Mr. Bellerose speaking twice to his Amt., on Dillon Divorce case, 618; pointed out by Mr. Bowell, that Mr. Bellerose is only explaining, 618.

Objection taken by Mr. Angers, to Mr. Boulton speaking a second time on his Amt. to 2nd R. of French Treaty ratification B., 791.

*Debate, speech on 2nd R.*—Mr. Boulton's Amt. to 2nd R. of French Treaty ratification B. (to return Treaty for further negotiations) having been lost, Mr. McCallum asked that B. might stand, for his remarks to-morrow; Mr. Angers said there would be an opportunity for speech when B. is referred to Com. of the W.; but Mr. McCallum proceeded to speak, and moved the 6 months' "hoist," 795-8.

*Debate, termination of.*—Mr. Bowell, while not suggesting anything that would look like curtailment of debate, especially as it has been carried on so dispassionately, asked that the Man. Schools question debate might terminate soon, 154.

Mr. Angers, rising to close debate, by giving Govt. consent to Mr. Bernier's M. for papers in Man. Schools question, Mr. Power said it did not follow that no one else intended to speak, 166; and, on rising to reply, Mr. Power explained that, while it might have been more courteous had he spoken before, he wished to alternate diverse views in the discussion, and was perfectly within

**ORDER and Procedure**—*Continued.*

his rights in speaking now, 167. Mr. Bowell, in rising to close the debate, referred to this incident, and Mr. Power replied, 188.

*Debate, useless, expense of.*—See "Bill, expense of."

*Debates, B. in extenso.*—See "Bill."

*Debates, reports of.*—Unrevised edition done away with; galleys for correction, to be returned within 24 hours, 264.

*Debating subjects previously discussed.*—Considerable discussion arose upon Mr. Power calling Mr. Ferguson's attention to the subject of his Inqy. and speech (feasibility of Hudson Bay route) having been previously debated in the Senate; and Mr. Power made an explanation thereon, 222-3.

*Division, demand for.*—Mr. Almon objected to 3rd R. of Trade Combine B. having been carried without the division called for by himself and by Mr. Murphy; it proved that the demand had not been heard; and Mr. Miller pointed out that the Hon. Senator had failed to take the indispensable step of calling for yeas and nays, 461.

*Divorce procedure.*—See the debates on "Divorce cases" (in General Index); especially the "Dillon" case, where constitutional points, such as divorces to R. Catholics, were discussed at great length; and Divorce Courts for Canada advocated. Withdrawal of exhibits of B. of previous session.—*See* "Balfour" (in General Index).

*French translation of Bills.*—See that heading (in General Index to Subjects).

*Funerals of deceased Senators.*—M. for payment (Messrs. Flint and Glasier), precedents for this course quoted, and M. agreed to, 687-8.

*Government, condemning in advance of papers.*—Mr. Kaulbach objected to denunciation of Govt. (for interposition in a death sentence), in advance of papers then being *m.* for, thus prejudging the case, 202.

*Govt., differences in.*—See "Cabinet" (above).

*Government prerogatives.*—See the debate on "Death sentence, commutation of," M. for papers.

*Legislation, Govt., backward state, &c.*—Opposition criticisms and Govt. replies, on 2nd R. of Electric Light Inspection B., 693-9. Further comments, on 2nd R. of Customs duties (new Tariff) B., 870 and following pages.

*Members' absences not chargeable.*—See debate on "Sessional Indemnity B.", 838-40.

*Ministers differing in opinion.*—See "Cabinet" (above).

*Motion, Amt. to, not in Orders.*—See "Orders."

*Motion, effect of.*—It was debated whether, the adoption of Dillon divorce Com. Report having been voted down, its further consideration could be *m.*; but it was pointed out, by Messrs. Miller and Angers, that the M. which had been voted down was only that the Report be adopted "*now*," thus leaving future consideration open, 515.

*Motion, postponement.*—Some Hon. Senators objecting to further postponement of M. for reconsideration of Dillon divorce Com. Report, Mr. Power pointed out that it is quite unprecedented, when a gentleman in charge of a B. consents to a postponement, that the other members should insist on proceeding with it. The consideration was postponed, 614.

*Motion without Notice.*—Mr. Kaulbach objected to Mr. Angers' M. for adjt. over Ascension Day, without two days' notice; but he afterwards withdrew his objection, 311.

**ORDER and Procedure**—*Continued.*

*Newspaper report, quoted.*—Mr. Ferguson quoted Toronto *Globe* report, in support of his assertion as to Mr. Dalton McCarthy's speech at Toronto, 205.

*Newspaper reports, erroneous.*—Correction made (Mr. Bowell) of Ottawa *Citizen's* report upon difference of Ministers on Amt. to Insurance Act. Amt. B., 857.

Correction made (Mr. Miller) of Montreal *Gazette's* report of division on Insolvency B., the "hoist" having been *m.* by Mr. McCallum, not by Mr. Miller, as stated, 620.

*Newspaper reports, unreliable.*—Impropriety of calling attention of Parlt. to cablegrams affecting important subjects, pointed out by Mr. Bowell, upon the Behring Sea question, a cablegram forming base of an inqy. having proved false, 226.

*Order, ques. of, precedence in debate.*—See "Debate" (above).

*Orders, mode of bringing M. upon.*—On Monday, June 11, Mr. Clemow's Notice of *M.*, for reconsideration of Dillon divorce Com. Report "on Wednesday next" was called. Discussion arose as to proper mode of bringing this M. upon the Order paper; finally the M. was allowed to stand until Wednesday, 482.

*Orders, M. as defined, incomplete.*—Mr. Clemow's M. for further consideration of Dillon divorce Com. Report did not include Minority Report. Ques. as to the sense of the Minutes was discussed; finally both reports were brought under simultaneous consideration, such having been the intention, 514-518.

*Orders, omission of Amt. from.*—Mr. O'Donohoe's Amt. (to M. for adoption of Divorce Com.'s Report) to re-commit the Report, although reported in the Debates, was not entered upon the Orders; consequently a question of Order was, in a resumed debate, raised by Mr. Bellerose, 431. The cause of the omission was discussed: whether through failure to reduce it to writing, &c.; Mr. Power pointed out that there was nothing to hinder any member from moving the same resolution at once, 432. Finally Mr. Landry *m.* the same Amt., 433; and the debate thereon proceeded.

*Orders, precedence of resumed debate.*—Pointed out by Mr. Power, that resumed debate on Dillon Divorce case should have place next after 3rd Rs., instead of at end of Orders, 383; remarks: Messrs. Almon, Kaulbach, Power, 384; and the suggested order of business was adopted.

Similar discussion took place, as to the proper position of this debate on Order paper, and on the effect of the new Rules of Senate: Messrs. Clemow, Bowell, Power, 406.

*Papers, tabling of.*—On 2nd R. of Ocean Steamship Subsidies B. (fast Atlantic line), Mr. Power said Govt. had no right to ask assent to proposal, till House knew what the arrangements are, the documents not having been tabled, 809-10. Mr. Angers said they had been handed to the Clerk, that they were laid on the Table, and Mr. Power had no right to say they were not; Mr. Power replied, 810. Mr. Angers re-affirmed that the papers were brought down several days ago, and are on the Table now; and further remarks passed thereon, 814. On Mr. Angers *m.* 3rd R., Mr. Power commented on this incident, disclaiming discourteous intent, 823. Mr. Angers explained that, when tabled, a mistake was made in calling them French Treaty papers, but the error was corrected, and Minutes are correct, 823.

*Petition for leave to petition.*—See "Bill."

**ORDER and Procedure**—*Concluded.*

*Prerogative of clemency.*—See the debate on "Death sentence, commutation of," M. for papers.

*Printing, delays in, &c.*—See "Printing" in General Index to Subjects.

*Printing of a Petition.*—(R. C. Bishops on Man. Schools question). Question as to its being printed *in extenso* in the Minutes, or referred to Printing Com. in the usual way, 331; on M. (Mr. Bellerose) it was ordered to be printed for circulation, 332.

*Privilege, Questions.*—See "Newspaper reports" (above).

*Privy Council (Imperial) decisions.*—See debate on "Man. and N.W.T. Schools question" (General Index to Subjects).

*Rules, revision of the.*—A draft of revised Rules having been prepared last session, but their consideration laid over, Mr. Bowell gave Notice of M. for reference of draft to Com. of the W., 25. He afterwards amd. this Notice, to a reference of the draft to a Special Com., 68. Finally, he *m.* the appt. of a Special Com. to consider, revise and report on the rules of the Senate, 68; M. agreed to, 68. Report of Special Com. was presented (Mr. Power), 86; and adopted immediately, under suspension of Rules, 87.

*Senate Bill, empowering contract-making.*—Mr. Kaulbach pointed out that Lighthouses, &c., B., empowered Minister of Marine to make contracts for and purchase supplies, and thus to create liabilities. Mr. Bowell showed that this was a re-enactment of an already existing law, containing such powers; and B. passed 2nd R., 89.

*Senate Bill, salaried officials under.*—Ques. raised by Mr. Masson, and discussed, whether B. could originate in Senate, giving power to Minister of Marine to appoint certain salaried officials; B. allowed to stand, 88. Mr. Bowell, on *m.* 2nd R., pointed out that B. simply changed mode of appointing officials, their appointments being already provided for by statute, 88.

*Senators' absences not chargeable.*—See debate on "Sessional Indemnity B.," 838-840.

*Senators, deceased.*—See "Funerals" (above).

*Senators, evidence of.* Discussion whether statements made by Hon. Senators, bearing on merits of divorce case under consideration, should be accepted as of the nature of evidence in the matter, 616-18.

*Session, lateness of the.*—See "Legislation" (above).

*Treaty, ratification.*—On 2nd R. of French Treaty B., Mr. Power, discussing attitude of Govt., considered, if the country were now held to be in honour bound to ratify Treaty, it was so bound last year, when Govt. withheld ratification, 792. Other constitutional points as to treaty-making powers, &c., were referred to in different parts of the same debate.

*Visitors, distinguished, invited to floor.*—Representatives from Victoria, introduced by Mr. Bowell, 636, 639.

*Witnesses, examination of.*—See "Parliamentary Witnesses Oaths Act," passed this session.

**Ottawa and Gatineau Ry. Co.; Acts consolid., name changed, &c.; B. (72).**—*Mr. Clemow.*

1st R.*, 635.
2nd R. *m.* (Mr. Clemow), 638; M. agreed to, 638.
B. reported from Com. (Mr. Allan) with an Amt., change of name, &c.; *m.* (Mr. Clemow), that Amt. be concurred in, 665; M. agreed to, 665.

**Ottawa and Gatineau Ry. Act**—*Continued.*

3rd R., 665.
Assent, 883.
(57-58 *Vict., cap.* 87.)

Ottawa and Gatineau Valley Ry., subsidy. *See:* "Railway, subsidies to, B."

Ottawa and Parry Sound Ry. Co., agreement powers, *in:* "Montreal Isld. Belt Line Ry. Co's. B."

Ottawa, Bridge (interprovincial) at.
Remarks (Mr. Clemow) on 2nd R. of Ry. Subsidies B., 867.

Ottawa "Citizen," erroneous report in.
On difference between Ministers, on Amts. to Insurance Act Amt. B. Correction made (Mr. Bowell), 857.

**Ottawa Electric Co. Incorp. B. (74).**—*Mr. Clemow.*

1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481; M. agreed to, 481.
3rd R.*, 550.
Assent, 883.
(57-58 *Vict., cap.* 111.)
*See also* the following Bill.

**Ottawa Electric Co.; Chaudière Electric Light and Power Co., change of name, &c.; B. (75).**—*Mr. Clemow.*

*See also* above Bill.

1st R.*, 426.
2nd R. *m.* (Mr. Clemow), 481; M. agreed to, 481.
3rd R.*, 550.
Assent, 883.
(57-58 *Vict., cap.* 109.)

**Ottawa Electric Ry. Co.; amalgamation of Ottawa City Passenger Ry. Co. and Ottawa Electric Street Ry. Co.; B. (65).**—*Mr. Clemow.*

1st R.*, 426.
2nd R. *m.* (Mr. Clemow) 480; M. agreed to, 480.
3rd R.*, 521.
Assent, 882.
(57-58 *Vict., cap.* 86.)

**Ottawa Gas Co.; power to borrow money and issue bonds; B. (26).**—*Mr. Clemow.*

1st R.*, 308.
2nd R. *m.* (Mr. Clemow), 310. Remarks: Messrs. Power, Clemow, Read (Quinté), 310. M. agreed to, 310.
3rd R.*, 360.
Assent, 882.
(57-58 *Vict., cap.* 112.)

Ottawa River Canal. *See:* "Montreal, &c., and Georgian Bay Canal Co's. B."

Ottawa Valley Ry. Co., agreement, *in:* "Atlantic and L. Superior Ry. Co's. B."

Pacific Steamship service.—*Alluded to* in debates on "Ocean Steamship communication."

Paper industry. *See* "Tariff and Trade matters."

Parliament, date of calling.
Remarks in debate on the Address: Mr. Scott, 16; Mr. Bowell, 23.
Opposition criticisms and Govt. replies, on 2nd R. of Electric Light Inspection B.: Mr. Scott, 693; Messrs. Angers, Scott, Allan, 694; Messrs. Clemow, Angers, Power, 695; Messrs. Kaul-

Parliament, date of calling—*Continued.*

bach, Power, McInnes, Angers, 696; Messrs. McInnes (B.C.), Angers, 697; Messrs. MacInnes (Burlington), Perley, Primrose, 698; Messrs. McInnes (B.C.), Primrose, Power, 699.
Further comments, on 2nd R. of Customs duties (new tariff) B.: Mr. Power, 870; reply: Mr. Bowell, 874; other allusions following in same debate.

**Parliamentary Witnesses Oaths Act, 1894; Oaths at bar of Senate or Commons, or before Committees; B. (90).**—*Mr. Angers.*

Introduced*, 364.
2nd R. *m.* (Mr. Angers), 364; remarks: Mr. Power, respecting inaccuracies in language of B., 364; M. agreed to, 364.
M. (Mr. Angers) into Com. of the W., 364; remarks: Messrs. Power, Angers, 365; M. agreed to, 365.
In Com.: Messrs. Angers, Power, Vidal, Allan, respecting change of words in clause, 365; cl. amended and adopted, 365; Mr. Desjardins, from Com., reported B. with Amts., 365.
Consideration of Amts. made in Com. of the W. on B., 407; remarks: Messrs. Power, Bowell, 407.
M. (Mr. Angers), that Amts. be concurred in, 407; remarks: Mr. Power, 407; Messrs. Angers, Power, 408; M. agreed to, 408.
B. read 3rd time and passed, 408.
Assent, 883.
(57-58 *Vict.*, *cap.* 16.)

Parry Sound Colonization Ry., subsidy. *See:*
"Railways, subsidies to, B."

Pensions, Militia Staff Officers.
Inqy. (Mr. Boulton) respecting them, 142; reply (Mr. Bowell) and on the general question of pensions, 143.

**Petroleum Inspection Act Amt.; reduced flash test; importation in tank cars, &c.; B. (122).**—*Mr. Angers.*

1st R.*, 687.
2nd R. *m.* (Mr. Angers), 689; remarks: Messrs. Power, Vidal, Angers, Dever, 689; Messrs. Dever, Kaulbach, Power, Angers, Sullivan, 690; Messrs. Dever, Angers, 691; M. agreed to, 691.
In Com. of the W.; on cl. 1; remarks: Messrs. Power, Sullivan, 700; Messrs. Power, Sullivan, Angers, 701; cl. adopted, 701.
On cl. 5: Messrs. Power, Angers, 701; Messrs. Angers, Kaulbach, Power, 702; B. reported from Com. (Mr. Desjardins), without amt., 702.
3rd R. 702.
Assent, 883.
(57-58 *Vict.*, *cap.* 40.)

—— (Coal Oil, duties). *See also:*
"Customs duties Acts consolid. B."
"Tariff and Trade matters" (generally).

Philipsburg Junct. Ry. Co., subsidy. *See:*
"Railways, subsidies to, B."

**Pictou Harbour, N.S., Acts, further Amt.; New Glasgow public wharf included in jurisdiction; B. (F).**—*Mr. Bowell.*

Introduced, and B. explained (Mr. Bowell), 199.
2nd R., 227. B. further explained (Mr. Bowell), 227.

**Pictou Harbour (N.S.) Acts**—*Continued.*

In Com. of the W.; remarks: Messrs. Power, Bowell, 252; B. reported (Mr. Vidal) without amt., 252.
3rd R.*, 264.
Assent, 882.
(57-58 *Vict.*, *cap.* 49.)

**Piper, William S., Divorce B. (O).**—*Mr. Clemow.*

1st R.*, 224.
2nd R.*, 331.
Adoption of seventeenth Report of Divorce Com. *m.* (Mr. Read, Quinté), 426; M. agreed to*, 426.
3rd R.*, 426.
Assent, 883.
(57-58 *Vict.*, *cap.* 133.)

Plate Glass Insurance B. *See* "Steam Boiler and Plate Glass."

Pontiac and Kingston Ry., subsidy. *See:*
"Railways, subsidies to, B."

**Pontiac and Ottawa Ry. Co. Incorp. B. (139).**—*Mr. Clemow.*

1st R.*, 687.
2nd R. *m.* (Mr. Clemow), 704; M. agreed to, 704.
3rd R.*, 726.
Assent, 884.
(57-58 *Vict.*, *cap.* 88.)

Pontiac and Ottawa Ry., subsidy. *See:*
"Railways, subsidies to, B."

Pontiac Pacific Junc. Ry. Co., agreement, in:
"Ottawa and Gatineau Ry. Co's. B."
"Pontiac and Ottawa Ry. Co's. B."

Pontiac Pacific Junct. Ry. (three subsidies). *See:*
"Railways, subsidies to, B."

Port Hawkesbury to Cheticamp, Ry., subsidy. *See:*
"Railways, subsidies to, B."

Postmaster's Salary, increase of. *See:*
"Internal Economy Com.," 3rd Report.

**Post Office Act Amt.; almanacs, &c., issued by newspapers; letters in other mailable matter; B. (JJ).**—*Mr. Angers.*

1st R.*, 692.
2nd R.*, 704.
In Com. of the W.; B. reported (Mr. Lougheed) without amt., 705.
3rd R., 705.
Assent, 884.
(57-58 *Vict.*, *cap.* 54.)

Prairie Chicken, protection of.
Remarks in debate on the Address: Mr. Boulton, 63, 70.

Prince Edwd. Isld. Ry. and Ferry. *See:*
"Moncton and P.E.I. Ry. and Ferry B."

—— Schools question—*referred to in:*
"Man. and N.W.T. Schools" debate.

—— state of Trade, &c.
Remarks in debate on the Address: Mr. Angers, 64; Mr. Boulton, 64; Mr. Bowell, 30; Mr. Kaulbach, 50; Mr. Macdonald (B.C.), 64; Mr. Power, 41; Mr. Scott, 17, 18.

—— tunnel communication, &c.
Inqy. (Mr. Ferguson), intention of Govt. to complete borings this summer, 497. Reply (Mr.

Prince Edward Isld. tunnel com., &c.—*Continued.*
Bowell), intention to proceed therewith; amount in Estimates, 497.
M. (Mr. Ferguson, P.E.I.) for Return of last winter's communication with P.E.I., in detail; also for corresp. between Dom. and Provl. Govts. respecting financial claims of P.E.I., and respecting proposed tunnel, 529. Remarks thereon: Mr. Ferguson, 528-33; Mr. Poirier, 533; Mr. Ferguson, 533-5; Messrs. Boulton, Poirier, 535; Mr. Ferguson, 535-8; Mr. Macdonald (B.C.), 538; Mr. Ferguson, 538-40; Mr. Power, 540; Mr. Ferguson, 540-5; on printing of Sir D. Fox's report: Messrs. Vidal, Ferguson, Power, Bowell, 545; further on tunnel scheme: Mr. Ferguson, 545-6; Messrs. Power, Kaulbach, Prowse, 546; Mr. Ferguson, 546-7; Mr. Poirier, 547; Mr. Ferguson, 547-8; Messrs. Poirier, De Boucherville, 548; Mr. Ferguson, 548-9. M. agreed to, 550.
M. (Mr. Ferguson, P.E.I.) for copies of Reports, Sir D. Fox and Mr. Baine, 585. Request (Mr. Angers) for modification, to omit the plans, 585. M. amd. accordingly and agreed to, 585.

Printing and the Printing Com.
Appointment of Com.—M. (Mr. Bowell) for adoption of Report of Com. of Selection, agreed to*, 98.
Complaint (Mr. Bowell) of delays, upon Montreal Harbour Commissioners B. being *m.* 2nd R. (Mr. Bowell) without French edition being ready; a return to old system of printing suggested, for Parly. printing, 228.
Explanation (Mr. Bowell) on the above, that Queen's Printer reports copy in French not yet reached the Bureau, 229.
(For steps taken to increase staff of translators, *see* "French translation.")
Explanation from Printing Bureau presented (Mr. Bowell) that no delay had been made with Dillon Divorce papers, 406.
Ques. of printing Petition (R. C. Bishops on Man. Schools) *in extenso* in Minutes, or reference to Printing Com. in usual way, 331; on M. (Mr. Bellerose) it was ordered to be printed for circulation, 332.
M. (Mr. Power) for Return, details of cost of printing, 1883-93, for comparison of contract and Govt. systems, 688; remarks: Mr. Power, 688; M. agreed to, 689.

Private Bills, time extension, &c. *See* "Bills."

Privilege, questions of.
Montreal *Gazette* report on Insolvency B. division.—Correction of error (Mr. Miller), 620.
Ottawa *Citizen* report on difference between Ministers on Insurance Act Amt. B.—Correction (Mr. Bowell), 857.

Procedure, questions of. *See:*
"Order and Procedure."

Prohibition question—referred to in debate on:
"France, Treaty with, ratification B."

Prohibition, Royal Commission on.
Inqy. (Mr. McClelan), whether report of Royal Commission has been received by Govt., 348.
Reply (Mr. Bowell), a partial report received, 348.
Further Inqy. (Mr. McClelan), 361.
Reply: Mr. Bowell, escaped attention, 361.
Further reply: Mr. Bowell, Commission not yet made report; preliminary report will be brought down, 365.

Prorogation.
Speech from the Throne. *See* "Speeches."

Protection. *See* "Tariff and Trade matters."

Provincial Court Judges B. *See* "Judges."

Public Harbours Act. *See* "Harbours."

Public Works and taxation.
Remarks in *m.* the Address in reply to Speech from Throne (Mr. Ferguson, P.E.I.), 10, 11.

Quebec, Acting Chief Justice, Superior Ct., salary. *See:*
"Judges of Provincial Courts B."

Quebec and L. St. John Ry., subsidy. *See:*
"Railways, subsidies to, B."

Quebec Central Ry., connection with. *See:*
"Lake Megantic Ry. Co. Incorp. B."

——— subsidy. *See:*
"Railways, subsidies to, B."

Quebec, loyal sentiment in.
Remarks in debate on the Address: Mr. Angers, 66; Mr. Scott, 66.

Quebec, Montreal and Ottawa Ry. subsidy. *See:*
"Railways."

Quebec, Province, Ry. subsidy, B. *See* "Railways."

Quebec, School Fund, payment. *See* "Common School Fund."

Queen, Address to H. M. the.
Congratulations on birth of a son to the Duke of York. Inqy. (Mr. Read, Quinté) as to intention to pass Address, 692; reply (Mr. Angers) it is the intention, 693.
M. (Mr. Angers) for joint Address of Parlt., to H. M., 725; seconded (Mr. Scott), and agreed to, 726.

Queen Victoria Niagara Falls Park, agreements. *See:*
"Clifton Suspension Bridge Co.'s B." *Also:*
"Niagara Falls Suspension Bridge Co.'s B."

**Railway Act Amt.; shelter for motormen, &c.; B. (14).**—*Mr. Bowell.*
1st R.*, 427.
2nd R. *m.* (Mr. Bowell), 465. M. agreed to, 466.
2nd R., 466.
In Com. of the W.; on cl. 1; remarks: Mr. Power, 496. B. reported from Com. (Mr. Clemow) without amt., 496.
3rd R., 496.
Assent, 882.
(57-58 *Vict., cap.* 53.)

**RAILWAYS:**
Alphabetical list of Railways affected by legislation of this Session, either directly or by Bills of other Railways, mentioning agreements, amalgamation or connections to be made with them.
Abbottsford Stn. to Chilliwack, Ry., subsidy. *See:*
Railways, subsidies to, B.
Alberta Southern Ry. Co. Incorp. B.
Atlantic and L. Superior Ry. Co., agreements ratified, B.
——— Leasing power, &c. *See:*
Montreal Isld. Belt. Line Ry. Co.'s B.
Atlantic and N.W. Ry. Co., time for construction, &c., B.
Baie des Chaleurs Ry. Co., agreement—*in:*
Atlantic and L. Superior Ry. Co.'s B
Métis, Matane and Gaspé Ry. Co. Incorp. B.
Boston and N.S. Coal and Ry. Co., subsidy. *See:*
Railways, subsidies to, B.
Boynton Bicycle Electric Ry. Co. Incorp. B.

RAILWAYS—*Continued.*

Bracebridge and Baysville Ry., subsidy. *See:* Railways, subsidies to, B.
Brandon and S.W. Ry. Co. Incorp. Act revived, B.
——— Subsidy. *See* Ry. subsidies (land) B.
Brantford, Waterloo, &c., Ry. subsidy. *See:* Railways, subsidies to, B.
Brockville and S. Ste. Marie Ry., subsidy. *See:* Railways, subsidies to, B.
Calgary and Edmonton Ry. Co., leasing powers—*in:*
Edmonton Street Ry. Co. Incorp. B.
Canada Atlantic Ry. Co., leasing powers—*in:*
Montreal Isld. Belt Line Ry. Co.'s B.
St. Lawrence and Adirondack Ry. Co.'s B.
Canada Eastern Ry. (three subsidies). *See:* Railways, subsidies to, B.
Canada Southern Ry. Co.'s B.
——— Bridge, B. *See:* St. Clair River Ry. Bridge, &c., B.
Canadian Pacific Ry. construction. *See:* Hudson Bay Ry. construction B. (—).
——— Drawback, iron bridges, B.
——— Freight rates, revenue, &c., Ms. and Inquiries.
——— land subsidy. *See:* Ry. subsidy (land) to C.P.R. Co., B.
——— (Pipestone Branch). *See:* Ry. subsidy (land) B.
——— leasing powers, connections, &c. *See:* Alberta Southern Ry. Co. Incorp. B.
Atlantic and N.W. Ry. Co.'s B.
Cariboo Ry. Co. Incorp. B.
Cobourg and Pacific Ry. Co.'s B.
Duluth and James Bay Ry. Co.'s B.
Gleichen and Victoria Ry. Co.'s B.
Hudson Bay Ry. construction, debates.
Montreal Belt Line Ry. Co.'s B.
Pontiac and Ottawa Ry. Co.'s B.
Rocky Mountain Ry., &c., Co.'s B.
Wolseley and Qu'Appelle Ry. Co. Incorp. B.
Wood Mountain and Qu'Appelle Ry. Co.'s B.
——— Reference to also in debate on Ocean Steamship Subsidies B.
Cap de la Magdeleine Ry. subsidy. *See:* Railways, subsidies to, B.
Cape Breton Ry. extension Co., subsidy. *See:* Railways, subsidies to, B.
Caraquet and Tracadie Ry. subsidy. *See:* Railways, subsidies to, B.
Cariboo Ry. Co. Incorp. B.
Central Ry. Co. of N.B., subsidy. *See:* Railways, subsidies to, B.
Central Vermont Ry., leasing powers. *See:* St. Lawrence and Adirondack Ry. Co.'s B.
Cobourg, Northd. and Pacific Ry. Co.'s B.
Cross Creek Stn. to Stanley, Ry. subsidy. *See:* Railways, subsidies to, B.
Dominion Atlantic Ry. Co.'s B.
Drummond County Ry. subsidy. *See:* Railways, subsidies to, B.
Duluth and James Bay Ry. Co. Incorp. B.
Edmonton Street Ry. Co. Incorp. B.
Elgin and Havelock Ry. Co. Incorp. B.
Elk and Kootenay Rivers to Coal Creek Ry., subsidy. *See* Ry. subsidies B.
Erie and Huron Ry. Co.'s B.
Erie and Niagara Ry. agreement—*in:*
Canada Southern Ry. Co.'s B.
European and N. A. Ry., connecting line. *See:* Elgin and Havelock Ry. Co. Incorp. B.
Gaspesia Ry. Co., agreement. *See:* Métis, Matane and Gaspé Ry. Co. Incorp. B.
Gleichen and Victoria Ry. Co. Incorp. B.

RAILWAYS—*Continued.*

Grand Trunk Ry. construction, referred to in:
Hudson Bay Ry. construction B. (—), debate.
——— leasing or amalgamating powers. *See:* Montreal Isld. Belt Line Ry. Co's. B.
St. Lawrence and Adirondack Ry, Co's. B.
Great Eastern Ry. Co., agreement—*in:*
Atlantic and L. Superior Ry. Co's. B.
Great Northern Ry., connection, &c. *See:* Montreal Isld. Belt Line Ry. Co's. B.
——— two subsidies. *See* Ry. subsidies B.
Great N.W. Central Ry. Co., Inqy.
Guelph Junct. Ry. Co's. B.
Harvey Branch Ry., subsidy. *See:* Railways, subsidies to, B.
Havelock to I. C. Ry., subsidy. *See:* Railways, subsidies to, B.
Hudson Bay Ry. route, Inquiries, &c.
——— construction as public work, B. (—).
——— by Man. and N.W.T. Govts., B. (BB).
Intercol. Ry., connecting lines. *See:* Elgin and Havelock Ry. Co. Incorp. B.
Métis, Matane and Gaspé Ry. Co. Incorp. B.
——— construction of, referred to in:
Hudson Bay Ry. construction debates.
——— freight and passenger rates, M.
Joggins Ry. to Young's Mills, Ry., subsidy. *See:* Railways, subsidies to, B.
Joliette and St. J. de Matha Ry., subsidies. *See:* Railways, subsidies to, B.
Lake Erie and Detroit River Ry. Co's. B.
Lake Megantic Ry. Co. Incorp. B.
Lake Temiscamingue Ry., subsidy. *See:* Railways, subsidies to, B.
Lime Ridge to Megantic Ry., subsidy. *See:* Railways, subsidies to, B.
Lindsay, Bobcaygeon, &c., Ry. Co's. B.
——— subsidy. *See* Ry. subsidies B.
London and P. Stanley Ry. Co., borrowing powers, in:
Lake Erie and Detroit River Ry. Co's. B.
Lotbinière and Megantic Ry., subsidy. *See:* Railways, subsidies to, B.
Malone and St. Lawrence Ry. Co., leasing powers. *See:* St. Lawrence and Adirondack Ry. Co's. B.
Man. and N. W. Ry. Co's. B.
——— subsidy. *See* Ry. subsidies B.
Manitoulin and N. Shore Ry., subsidy. *See:* Railways, subsidies to, B.
Megantic Ry. Co. Incorp. B. *See* "Lake Megantic."
Métis, Matane and Gaspé Ry. Co. Incorp. B.
Michigan Central Ry. Co., agreement. *See:* Canada Southern Ry. Co's. B.
Michigan Midland agreement. *See* same Bill.
Montreal and Ottawa Ry., subsidy. *See:* Railways, subsidies to, B.
Miramichi, Ry. connection with I. C. R., subsidy. *See:* Railways, subsidies to, B.
Mohawk and Malone Ry. Co., leasing powers. *See:* St. Lawrence and Adirondack Ry. Co's. B.
Moncton and P. E. I. Ry. and Ferry Co's. B.
Montfort Coloniz. Ry., subsidy. *See:* Railways, subsidies to, B.
Montreal and Ottawa Ry. Co's. B.
——— subsidy. *See* Ry. subsidies B.
Montreal Isld. Belt Line Ry. Co's. B.
Montreal Park and Isld. Ry. Co's. B.
Musquodoboit Valley Ry., Inqy., &c.
——— subsidy. *See* Ry. subsidies B.
Nakusp and Slocan Ry., subsidy. *See:* Railways, subsidies to, B.

RAILWAYS—*Continued.*

Nanaimo and Esquimalt Ry. B.
Remarks as to its being thrown out, and passed afterwards (Messrs. Read, Quinté, and Scott) 253.
Nelson Valley Ry. *See:*
Hudson Bay Ry., construction B. (BB).
New Glasgow Iron, Coal and Ry. Co., subsidy. *See:*
Railways, subsidies to, B.
New York Central, &c., Ry. Co., leasing powers, &c. *See:*
St. Lawrence and Adirondack Ry. Co's. B.
Nicola Valley Ry., subsidy. *See:*
Railways, subsidies to, B.
Nipissing and James Bay Ry., subsidy. *See:*
Railways, subsidies to, B.
North Shore Ry. subsidy. *See:*
Ry. subsidy to Prov. of Que., B.
Ogdensburg and L. Champlain Ry. Co., leasing powers, &c. *See:*
St. Lawrence and Adirondack Ry. Co's Ry. B.
Ottawa and Gatineau Ry. Co.'s B.
——— subsidy. *See:*
Railways, subsidies to, B.
Ottawa and Parry Sound Ry. Co., agreement powers. *See:*
Montreal Island Belt Line Ry. C.'s B.
Ottawa Electric Ry. Co., amalgamation of, B.
Ottawa Valley Ry. Co., agreement—*in:*
Atlantic and L. Superior Ry. Co.'s B.
Parry Sound Colonization Ry., subsidy. *See:*
Railways, subsidies to, B.
Philipsburg Junct. Ry., &c., subsidy. *See:*
Railways, subsidies to, B.
Pontiac and Kingston Ry., subsidy. *See:*
Railways, subsidies to, B.
Pontiac and Ottawa Ry. Co. Incorp. B.
——— subsidy. *See:*
Railways, subsidies to, B.
Pontiac Pacific Junct. Ry. Co., agreement—*in:*
Ottawa and Gatineau Ry. Co.'s B.
Pontiac and Ottawa Ry. Co.'s B.
——— (three subsidies.) *See:*
Railways, subsidies to, B.
Port Hawkesbury to Cheticamp Ry., subsidy. *See:*
Railways, subsidies to, B.
Prince Edward Isld. Ry. and Ferry. *See:*
Moncton and P.E.I. Ry. and Ferry, B.
Quebec and L. St. John Ry., subsidy. *See:*
Railways, subsidies to, B.
Quebec Central Ry., connection with. *See:*
Lake Megantic Ry. Co. Incorp., B.
——— subsidy. *See:*
Railways, subsidies to, B.
Quebec, Montreal and Ottawa Ry., subsidy. *See:*
Railways, subsidies to, B.
Quebec Province Ry. subsidy, B. *See:*
Ry. subsidy to Prov. of Que., B.
Railway subsidy (land) to C.P.R., B.
Railway, subsidy to Province of Quebec, B.
Railways, subsidies to, B. (169).
Railways, subsidies (land) to, B.
Red Deer Valley Ry. and Coal Co.'s B.
Restigouche and Victoria Ry., subsidy. *See:*
Railways, subsidies to, B.
River St. Clair Ry. Bridge, &c. *See:*
St. Clair.
Rocky Mountain Ry. and Coal Co. Incorp. Act Amt. B. (H).
——— time extended, agreement with C.P.R., &c., B. (80).
——— land subsidy. *See:*
Railways, subsidies (land) B.
St. Catharines and Niagara Central Ry. B.
——— subsidy. *See:*
Railways, subsidies to, B.

RAILWAYS—*Continued.*

St. Clair River Ry. Bridge and Tunnel Co. B.
St. Eustache and C.P.R. connection, subsidy. *See:*
Railways, subsidies to, B.
St. Eustache to St. Placide Ry., subsidy. *See:*
Railways, subsidies to, B.
St. John to Barneville Ry., subsidy. *See:*
Railways, subsidies to, B.
St. Lawrence and Adirondack Ry. Co., leasing or amalgamating powers, B.
——— leasing powers. *See:*
Montreal Isld. Belt Line Ry. Co.'s B.
St. Placide to St. Andrews Ry., subsidy. *See:*
Railways, subsidies to, B.
St. Rémi to St. Cyprien Ry., subsidy. *See:*
Railways, subsidies to, B.
Short Line Ry. B.
South-eastern Ry. bridge, subsidy. *See:*
Railways, subsidies to, B.
South Shore Ry., subsidy. *See:*
Railways, subsidies to, B.
Strathroy and W. Counties Ry., subsidy. *See:*
Railways, subsidies to, B.
Tilsonburg, L. Erie and Pacific Ry., subsidy, *See:*
Railways, subsidies to, B.
Tobique Valley Ry. subsidy. *See:*
Railways, subsidies to, B.
Toledo, Canada Southern and Detroit Railroad. *See:*
Canada Southern Ry. Co's B.
United Counties Ry., subsidy. *See:*
Railways, subsidies to, B.
Western Counties Ry. purchase. *See:*
Dominion Atlantic Ry. Co.
Windsor and Annapolis Ry. Co.'s B. *See:*
Dominion Atlantic Ry. Co.
Winnipeg and Atlantic Ry. Co. *See:*
Duluth, Nepigon and James Bay Ry. Co.'s B.
Winnipeg and Hudson Bay Ry. Co. *See:*
Hudson Bay Ry. construction B.
Winnipeg, Great Northern Ry. Co.
Winnipeg Great Northern Ry. Co.
Wolseley and Fort Qu'Appelle Ry. Co. Incorp. B.
Wood Mountain and Qu'Appelle Ry. Co.'s B. (R).
——— (Commons B., No. 20.)
Woodstock and Centreville Ry., subsidy. *See:*
Railways, subsidies to, B.
Yarmouth and Annapolis Ry., purchase. *See:*
Dominion Atlantic Ry. Co.

Railways, Subsidies to the undermentioned, authorized; B. (169).—*Mr. Bowell.*

Abbottsford Station, C.P.R., to Chilliwack, Ry.
Boston and N.S. Coal and Ry. Co.
Bracebridge and Baysville Ry.
Brantford, Waterloo and Lake Erie Ry.
Brockville, Westport and Sault Ste. Marie Ry.
Canada Eastern Ry. (Chatham to Black Brook).
——— (Nelson Branch).
——— (C. P. R. connection).
Cap de la Magdeleine to C. P. R.
Cape Breton Ry. Extension Co.
Caraquet Ry. connection with Tracadie.
Central Ry. Co. of N.B.
Cross Creek Station to Stanley Village, Ry.
Drummond County Ry.
Elk and Kootenay Rivers to Coal Creek, Ry.
Great Northern Ry. (22 miles from E. end).
——— (30 miles from St. Tite).
Harvey Branch Ry.
Havelock, connection with I. C. R.
Joggins Ry. to Young's Mills, Ry.
Joliette and St. J. de Matha, Ry. (two subsidies).
Lake Temiscamingue Colonization Ry.
Lime Ridge to County of Megantic, Ry.

**Railways, Subsidies, Act**—*Continued.*

Lindsay, Bobcaygeon and Pontypool Ry.
Lotbinière and Megantic Ry.
Manitoba North-western Ry.
Manitoulin and North Shore Ry.
Miramichi, Branch Ry. to I. C. R.
Montfort Colonization Ry.
Montreal and Ottawa Ry.
Musquodoboit Valley Ry.
Nakusp and Slocan Ry.
New Glasgow Iron, Coal and Ry. Co.
Nicola Valley Ry.
Nipissing and James Bay Ry.
Ottawa and Gatineau Valley Ry.
Parry Sound Colonization Ry.
Philipsburg Junct. Ry. and Quarry Co.
Pontiac and Kingston Ry.
Pontiac and Ottawa Ry.
Pontiac Pacific Junct. Ry. (three subsidies).
Port Hawkesbury to Cheticamp, Ry.
Quebec and Lake St. John Ry.
Quebec Central Ry.
Restigouche and Victoria Ry.
St. Catharines and Niagara Central Ry.
St. Eustache and C. P. R., connection.
St. Eustache to St. Placide, Ry.
St. John to Barneville, Ry.
St. Placide to St. Andrews, Ry.
St. Rémi to St. Cyprien, Ry.
South-eastern Ry. bridge over Yamaska.
South Shore Ry.
Strathroy and Western Counties Ry.
Tilsonburg, Lake Erie and Pacific Ry.
Tobique Valley Ry.
United Counties Ry.
Woodstock and Centreville Ry.

1st. R., 864.
2nd R. *m.* (Mr Bowell). 865; remarks: Mr. Power, 865-6; Messrs. Power, Kaulbach, Clemow, 866. M. agreed to, 867.
3rd R., 867.
Assent, 884.
(57-58 *Vict., cap.* 4.)

**Railways, subsidy to Province of Quebec, for construction of Ry., Quebec to Ottawa; payment authorized; B. (150).**—*Mr. Angers.*

1st R.*, 664.
2nd R.*, 679.
3rd R.*, 679.
Assent, 883.
(57-58 *Vict., cap.* 5.)

**Railway subsidy (land) to C. P. R. Co.; blocks instead of alternate sections; other lands, with consent, to Hudson Bay Co.; other School lands to be reserved; B. (159).**—*Mr. Bowell.*

1st R.*, 840.
2nd R. *m.* (Mr. Bowell), 854; M. agreed to, 854.
In Com. of the W., Bill reported (Mr. Snowball) without amt., 854.
3rd R., 854.
Assent, 884.
(57-58 *Vict., cap.* 7.)

**Railways, Subsidies (land) to the undermentioned, authorized; B. (168).**—*Mr. Bowell.*

Brandon and South-western Ry.
C.P.R., Souris (Pipestone Valley) Branch.
Rocky Mountain Ry. and Coal Co.

1st R., 861.
2nd R. *m.* (Mr. Bowell), 861. M. agreed to, 862.

**Railways, Subsidies, (land) Act**—*Continued.*

In Com. of the W.: Messrs. Power, Bowell, Kaulbach, 862; Messrs. Kaulbach, Scott, 863; B. reported (Mr. Clemow) without amt., 863.
3rd R., 863.
Assent, 884.
(57-58 *Vict., cap.* 6.)

Railways, Telegraphs & Harbours Committee.

Adoption of cl. of Report of Com. of Selection, nominating, *m.* (Mr. Bowell), and agreed to*, 98.
For the Reports, *see* the respective Railways, &c.

**Red Deer Valley Ry. & Coal Co. Incorp. Act revived, and period further extended; B. (L).**—*Mr. Lougheed.*

5th Report of Com. on Standing Orders presented (Mr. Macdonald, B.C.); petitions signed by attorneys, not by proper officials, guarantee for properly signed petition. Remarks on points of order: Messrs. Miller, Macdonald, McKay and Power, 197; Messrs. Miller, Power and McKay, 198. Reference of Report back to Com. *m.* (Mr. Lougheed), and agreed to, 198.
1st R.*, 224.
2nd R. *m.* (Mr. Lougheed), with explanation of B., 227. M. agreed to, 227.
3rd R. *m.* (Mr. Lougheed), with remarks: petition arrived from England, duly signed, 332; M. agreed to, 332.
Assent, 882.
(57-58 *Vict., cap.* 90.)

Redistribution Act in force. *See:*
"Electoral Franchise Act Amt. B."

Reformatories, confinement in. *See:*
"New Brunswick, Juvenile Offenders, custody, B."
"Ontario, Houses of Refuge for Females, B."
"Youthful Offenders, separate custody, &c., B."

**Reformed Baptist Church of Canada, Alliance of, Incorp. B. (84).**—*Mr. Perley.*

1st R.*, 426.
2nd R. *m.* (Mr. McClelan), 527; remarks: Messrs. Bowell, McClelan, Power, 527; M. agreed to, 527.
B. presented (Mr. Dever) from Private Bs. Com., with Amts., 615; *m.* (Mr. McClelan), that Amts. be concurred in to-morrow, 615; M. agreed to, 615.
Concurrence in Amts. *m.* (Mr. McClelan), 619; M. agreed to, 620.
3rd R. 620.
Assent, 883.
(57-58 *Vict., cap.* 126.)

Restigouche & Victoria Ry., subsidy. *See:*
"Railways, subsidies to, B."

Retiring Pensions. *See* "Pensions."

Returns asked for. *See:*
The respective subjects of the Returns.

Returns, official, unreliable.

*See* the discussion (Mr. Tassé and others) on French Treaty ratification B., 845-8.

**Revenue and Audit Act Amt.; limitation of actions against Revenue Officers; seizures for probable cause, &c.; B. (127).**—*Mr. Bowell.*

1st R*., 635.
2nd R. *m.* (Mr. Bowell), 637; remarks: Messrs Scott, Bowell, 637; M. agreed to, 637.
In Com. of the W.; on 1st cl.; remarks: Messrs. Power, Angers, 660; cl. adopted, 660.

**Revenue and Audit Act Amt.**—*Continued.*

On subsection 6, cl. 1: Mr. Power, 660; Messrs. Angers, Power, Lougheed, 661; Messrs. Angers, Lougheed, Power, Dever, 662; Messrs. Angers, Power, Dever, 663; Macdonald (Victoria), Dever, Angers, Kaulbach, 664; sub-cl. agreed to, 664; B. reported from Com. (Mr. Read, Quinté), without amt., 664.
3rd R., 664.
Assent, 883.
(57-58 *Vict.*, *cap.* 19.)

**Richelieu & Ont. Navigation Co.; additional bonding powers, &c.; B. (62).**—*Mr. Ogilvie.*

1st R.*, 427.
2nd R. *m.* (Mr. McCallum), 482; M. agreed to, 482.
2nd R., 482.
3rd R., 521.
Assent, 882.
(57-58 *Vict.*, *cap.* 105.)

River St. Clair Ry. Bridge, &c., B. *See* "St. Clair."

Rivers, sawdust pollution of. *See:*
"Fisheries Act Amt. B."

**Rocky Mountain Ry. & Coal Co. Incorp. Act Amt. B. (H).**—*Mr. Lougheed.*

Introduced*, 205.
On order for 2nd R., *m.* (Mr. Lougheed) that order be discharged, Bill being introduced in Commons. 226; remarks on procedure (Mr. Miller), 226; permission to withdraw the B. requested (Mr. Lougheed), and B. withdrawn, 226.

*See*, subsequently, the following Bill.

**Rocky Mountain Ry. & Coal Co. Incorp. Act revived and amd.; time for construction extended; agreement with C. P. R., &c.; B. (80).**—*Mr. Perley.*

*See*, previously, the above Bill.

1st R.*, 499.
2nd R.*, 526.
3rd R. (*m.* by Mr. MacInnes, Burlington)*, 580.
Assent, 883.
(57-58 *Vict.*, *cap.* 91.)

Rocky Mountain Ry. & Coal Co., land subsidy. *See:*
"Railways, subsidies (land) B."

Roman Catholic Schools in N.W. *See:*
"Man. & N.W.T. Schools question."

"Royal William." *See* "Steamship, first across Atlantic."

Rules of Senate, Revision of.

Notice of M. for reference of Draft Rules to Com. (Mr. Bowell), 25.
An amd. Notice (Mr. Bowell), 67.
M. for appt. of Special Com. to revise the Rules (Mr. Bowell), 68; agreed to*, 68.
Report of Special Com., submitting revised Rules, presented (Mr. Power) and changes explained, 86.
Suspension of Rules 14 and 18, as regards this Report, *m.* (Mr. Bowell) and agreed to, 87.
Adoption of Report, *m.* (Mr. Power) and agreed to, 87.
Printing of 50 copies in French, with the 500 English, *m.* (Mr. Power) and agreed te, 87.

**St. Catharines and Niagara Central Ry.; time for construction extended; B. (79).**—*Mr. McKindsey.*

1st R.*, 631.
2nd. R.*, 632.
3rd R. (*m.* by Mr. McCallum)*, 665.
Assent, 883.
(57-58 *Vict.*, *cap.* 92.)

St. Catharines and Niagara Central Ry., subsidy. *See:*
"Railways, subsidies to, B."

**St. Clair and Erie Ship Canal Co. Incorp. B. (21).**—*Mr. Vidal.*

Introduced *, 347.
2nd R. *m.* (Mr. Vidal), 363. B. explained (Mr. Vidal), 363; remarks: Messrs. Kaulbach, Vidal, 363. M. agreed to, 363.
B. reported from Com. (Mr. Dickey) with an Amt. *m.* (Mr. Vidal) that Amt. be concurred in, 365. M. agreed to, 365.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict.*, *cap.* 104.)

**St. Clair River Ry. Bridge and Tunnel Co.; time for construction extended; B. (33).**—*Mr. Ferguson (P.E.I.)*

Introduced*, 321.
2nd R.*, 333.
3rd R. (*m.* by Mr. MacInnes, Burlington)*, 366.
Assent, 882.
(57-58 *Vict.*, *cap.* 100.)

St. Eustache and C.P.R., connection, subsidy. *See:*
"Railways, subsidies to, B."

St. Eustache to St. Placide, Ry., subsidy. *See:*
"Railways, subsidies to, B."

St. John, N.B., Harbour, ballast throwing, &c. *See:*
"Harbours, Public, B.," debate on.

St. John and Barneville, Ry., subsidy. *See:*
"Railways, subsidies to, B."

**St. Lawrence and Adirondack Ry. Co.; leasing or amalgamating powers with G.T.R. or C.A.R. or other Co.; B. (39).**—*Mr. Landry.*

Introduced*, 347.
2nd R.*, 363.
3rd R. (*m.* by Mr. DeBoucherville)*, 384.
Assent, 882.
(57-58 *Vict.*, *cap.* 93.)

St. Lawrence and Adirondack Ry. Co., leasing powers. *See:*
"Montreal Isld. Belt Line Ry. Co.'s B."

**St. Lawrence Insurance Co.; time for securing license extended; B. (99).**—*Mr. Clemow.*

1st R.*, 631.
2nd R.*, 632
3rd R. (*m.* by Mr. Ogilvie)*, 665.
Assent, 883.
(57-58 *Vict.*, *cap.* 124.)

St. Lawrence Navigation.

Remarks in debate on the Address: Mr. Angers, 66-7, 83.
*See* also some remarks in debate on Inqy. (Mr. Ferguson, Niagara): "Hudson Bay route."

St. Placide to St. Andrews, Ry., subsidy. *See:*
"Railways, subsidies to, B."

St. Rémi to St. Cyprien, Ry., subsidy. *See:*
"Railways, subsidies to, B."

Sable Island B. *See:*
"Lighthouses, Buoys and Beacons B."

**Sacred Heart of Jesus, Ladies of; Incorp. Act Amt.; borrowing powers conferred; B. (43).**—*Mr. Robitaille.*
Introduced*, 321.
2nd R.*, 333.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 128.)

Sale, fraudulent (adulteration), B. *See* "Fraudulent."

**Sault St. Louis Seigniory; acceptance of 75 per cent of arrears of rent sanctioned; B. (97).**—*Mr. Angers.*
1st R.*, 635.
2nd R. *m.* (Mr. Angers), 638; M. agreed to, 638.
In Com. of the W. and reported from Com. (Mr. DeBlois) without amt.*, 664.
3rd R., 664.
Assent, 883.
(57-58 *Vict., cap.* 25.)

Sawdust throwing into rivers. *See:*
"Fisheries Act Amt. B."

School Fund, Ont. and Que., B. *See* "Common School Fund."

School Lands, N.W.T.—affected by:
"Railway subsidy (land) to C.P.R. Co., B."
"Dominion Lands Act Amt. B."

Schools question, Man. and N.W.T. *See:*
"Man. and N.W.T. Schools question."

Seal Fishery. *See* "Behring Sea."

Seals, killing by explosives. *See* "Fisheries Act Amt."

**Seamen's Act Amt.; lien of master on vessel for wages and disbursements; relief of Canadian seamen abroad in distress; B. (13).**—*Mr. Bowell.*
Introduced *, 365.
2nd R. *m.* (Mr. Bowell), 407; remarks: Messrs. Kaulbach, Bowell, 407. M. agreed to, 407.
In Com. of the W., B. explained (Mr. Bowell), 425.
On 2nd cl.; remarks: Messrs. Kaulbach, Bowell, 425. Cl. adopted, 425. B. reported from Com. without amt., 425.
3rd R. *m.* (Mr. Bowell) 427; remarks: Mr. Power, 427. Messrs. Bowell, Read (Quinté), 428. M. agreed to on a division, 428.
Assent, 883.
(57-58 *Vict., cap.* 43.)

**SENATE, The.**

*Adjournments.*
(21st March).—Notice of M. for Adjt. till 27th (Mr. Bowell)*, 67. Adjt. till 28th *m.* (Mr. Bowell) and agreed to*, 69.
(Ascension Day).—M. (Mr. Perley) for adjt., 2nd to 15th May, 309. Amt. *m.* (Mr. Bowell) 2nd–7th, 309. M. and Amt. *withdrawn*, 309.
M. (Mr. Angers) for adj., 2nd–4th, 310. Objection (Mr. Kaulbach), notice not having been given, 311. Remarks: Messrs. Angers, Kaulbach, objection withdrawn, 311. Amt. *m.* (Mr. Flint), adjt. 2nd–8th, 311. Objection to Amt. (Mr. Angers), 311. Remarks as to necessity for a M. to adjourn merely over a statutory holiday: Messrs. Scott, Angers, Power, 311. Amt. withdrawn, and M. agreed to, 311.
(27th June–3rd July).—M. (Mr. Bowell), with remarks; M. agreed to, 630.

*Bills, private, extension of time.* See:
"Bills, private," in General Index.

——— *other points respecting.* See:
"Order and Procedure," in General Index.

*Committees, Standing, &c., Appointment of.*
Rules of the Senate.—Notice of M. for reference of Draft to Com. (Mr. Bowell), 25. Further notice (Mr. Bowell), 67. M. for appt. of Special Com. (Mr. Bowell), 68; agreed to*, 68.
See, further, "Rules" (below).
Appointment of Committees.—Recommendation for, deferred till new Rules are adopted (Mr. Bowell), 25.
Appointment of a Com. to nominate Standing Coms. *m.* (Mr. Bowell) and agreed to, 87.
On Order for consideration of Report of Com. of Selection. Remarks as to its adoption as a whole: Messrs. Bowell, Dickey, Macdonald (B.C.), Power, 98.
Library and Printing, Joint Coms. on.—Adoption of cls. of Report nominating: adoption *m.* (Mr. Bowell) and agreed to*, 98.
Standing Orders Com.—Adoption of cl. nominating, *m.* (Mr. Bowell) 98. Substitution requested (Mr. Dickey) of Mr. Kirchhoffer; cl. so amd. and adopted, 98.
Banking, Railways, and Miscellaneous Private Bs. Coms.—Adoption of cls. nominating, *m.* (Mr. Bowell) and agreed to*, 98.
Internal Economy Com.—Adoption of cl. nominating, *m.* (Mr. Bowell), 98. Substitution requested (Mr. McInnes, B.C.) of Mr. Reid; cl. so amd. and adopted, 98. Change of name from Contingt. Accts. Com. Adoption of cl. suggested (Mr. Bowell), 98; suspension of Rule 16 *m.* (Mr. Power) and agreed to; cl. respecting name adopted, 98.
Debates, Divorce, and Restaurant Coms.—Adoption of cl. nominating, *m.* (Mr. Bowell) and agreed to*, 98.
Insolvency B. (C). Special Com. of 25 appointed, after 2nd R.—Notice of M. for Joint Com. dropped, after consultation (Mr. Bowell), 225. Notice of M. for Special Com. (Mr. Bowell), 227. The Com. *m.* for, and ques. of sub-coms. discussed, 249. M. (Mr. Bowell) to add Hon. Mr. Smith, 273.
(For Reports of Coms.—*See* the respective *subjects.*)

*French translators, employment of.*
Remarks (Mr. Bowell) on *m.* 2nd R. of Insolvency B., that corps of translators is too weak, 229.
Internal Economy Com. Report presented (Mr. McKay), recommending employment of temporary translators, 250. Remarks (Mr. Power) that Report does not embody Com.'s recommendation, as it restricts translators to Bill work, 250. At Mr. Angers's suggestion, the Report as it stood was adopted in the meantime, 250.
M. (Mr. Bowell) authorizing Clerk to employ translators as necessary, irrespective of Bs., 272; M. agreed to, 273.
Mr. Allan having asked consent for *m.* 2nd R. of "Youthful Offenders, punishment" B., Mr. Masson, while not objecting to this B., said in future he would object to every B. unless printed in French, 300-301.

**SENATE, The**—*Continued.*

Internal Economy Com., 3rd Report, appt. of additional translator recommended.—Adoption *m.*, with remarks (Mr. McKay), 649; debate; Report adopted, 660.

*Invitation to President Carnot's Funeral.*

Announcement (the Speaker); remarks (Mr. Bowell), 635.

*Law Library, Books.*—See "Internal Economy Com.," 3rd Report (in General Index).

*Messengers, supervision of.*—See "Internal Economy Com.," 3rd Report (in General Index).

*Officials reporting each other.*—See "Internal Economy Com.," 3rd Report (in General Index).

*Order and Procedure of Senate.*—See "Order and Procedure" (in General Index).

*Postmaster's salary.*—See "Internal Economy Com.," 3rd Report (in General Index).

*Rules, Revision of.*—Com. appointed. *See* "Committees" (above).

Report of Special Com., submitting revised Rules, presented (Mr. Power) and changes explained, 86.

Suspension of Rules 14 and 18, as regards this Report, *m.* (Mr. Bowell) and agreed to, 87.

Adoption of Report *m.* (Mr. Power) and agreed to, 87.

Printing of 50 copies in French, with the 500 English, *m.* (Mr. Power) and agreed to, 87.

*Senate and Commons B.*—See "Sessional Indemnity" (in General Index).

*Senate and Commons, examination of Witnesses.*—See "Parliamentary Witnesses Oaths B."

**Senate, Speaker's temporary absence, provision for; B. (Q)**—*Mr. Angers.*

Introduced and explained, and 1st R. *m.* (Mr. Angers), 224; M. agreed to, 224.

2nd R. *m.* (Mr. Angers), and further explained, 256. Constitutionality of Bill debated: Messrs. Gowan, Scott, Angers, 257; Mr. Gowan, 257-8; Mr. Dickey, 258-9; Messrs. Kaulbach, Scott, 259; Messrs. Gowan, Scott, Allan, 260; Messrs. Poirier, Power, 261; Messrs. Lougheed, Angers, 262; Messrs. Lougheed, Angers, Dickey, Gowan, 263. M. agreed to, 263.

In Com. of the W., on 1st cl.: reply to Mr. Gowan's last question (Mr. Angers), B. will be sent to England, with copy of debates, 266; cl. adopted, 266.

On 2nd cl., on Mr. Vidal's suggestion to strike out "unavoidable," 266; opposing remarks: Mr. Bowell, 266; cl. adopted, 266.

On 4th cl., remarks: Mr. Angers, proclamation at request of Imperial Govt., 266; further, Messrs. Power, Angers, 266.

B. reported (Mr. Read, Quinté) without amt., 266.

3rd R., on a division*, 266.

Assent, 883.

(57-58 *Vict., cap.* 11.)

*Senate, value of, and work done by.*

Remarks in debate on the Address, 69.

Remarks: Mr. Read (Quinté) and other Senators, and List of Govt. Bs. introduced and amd. in Senate since Confederation, 351-2-3.

*See also* "Session, lateness of" (below, in General Index).

Remarks (Mr. Clemow) in Com. on Insolvency B., 508; (Mr. Drummond), 609-10; (Mr. Allan), 611.

**SENATE, The**—*Concluded.*

*Senators, deceased.*

(Abbott, Sir John; Boyd and Montgomery, Hon. Messrs.) Remarks at opening of the Session: Mr. Bowell, 4; Messrs. Scott, Allan, 5; Mr. Armand, 6; Mr. Ferguson (P.E.I.), 7; Mr. Boulton, 69.

(Carvell, Hon. Mr.) Remarks: Mr. Almon, 5; Mr. Bowell, 5.

(Botsford, Hon. Mr.) Remarks: Mr. Bowell, 25; Mr. Scott, 25; Mr. Dickey, 26; Mr. Wark, 27; Mr. Boulton, 69.

(Haythorne, Hon. Mr.) Remarks in debate on the Address: Mr. Power, 40.

(Chaffers, Hon. Mr.) Announcement and remarks: Mr. Angers, 743; Mr. Scott, 744.

(Flint, Hon. Mr.) Announcement and remarks: Mr. Bowell, 563; Messrs. Scott, Read (Quinté), Dickey, 564. Funeral expenses in Ottawa, M. for payment of, and remarks: Messrs. Bowell, O'Donohoe, 687; Messrs. Bowell, Power, 688; M. agreed to, 688.

(Glasier, Hon. Mr.) Announcement and remarks: Mr. Angers, 679; Messrs. Scott, Wark, Dever, 680. Funeral expenses in Ottawa, M. for payment of, and remarks: Messrs. Bowell, O'Donohoe, 687; Messrs. Bowell, Power, 688; M. agreed to, 688.

*Senators, new, introduced.*

Ferguson, Hon. Donald, 4.

Burns, Hon. K. F., 229.

*Serjt-at-Arms, duties of.* See:

"Internal Economy Com.," 3rd Report (in General Index).

*Shorthand writers, employment of.*

Internal Economy Com. Report, recommending such assistance to Law Clerk, presented (Mr. McKay) and adoption *m.*, 250. M. agreed to, 251.

*Sittings, extra.*

M. (Mr. Bowell) for three sittings on Saturday, July 20; M. agreed to, 857.

*Translators. See* "French translators" (above).

*Visitors, distinguished.*

Sir H. Wrixon, Victoria Govt.—Introduction (Mr. Bowell) and invitation to seat near the Throne, 636.

Hon. N. Fitzgerald, Victoria.—Similar introduction (Mr. Bowell) and courtesies extended, 639.

SERJEANT-AT-ARMS, SUPERVISION OF MESSENGERS. *See:*

"Internal Economy Com.," 3rd Report.

SESSION, LATENESS OF; DELAY OF GOVT. BILLS, &C.

Remarks in debate on the Address: Mr. Scott, 16; Mr. Bowell, 23. Opposition criticisms and Govt. replies, on 2nd R. of Electric Light Inspection B.: Mr. Scott, 693; Messrs. Angers, Scott, Allan, 694; Messrs. Clemow, Angers, Power, 695; Messrs. Kaulbach, Power, McInnes, Angers, 696; Messrs. McInnes (B.C.), Angers, 697; Messrs. MacInnes (Burlington), Perley, Primrose, 698; Messrs. McInnes (B.C.), Primrose, Power, 699.

Further comments, on 2nd R. of Customs duties (new Tariff) B.: Mr. Power, 870; reply, Mr. Bowell, 874; other allusions following in same debate.

SESSION, OPENING AND CLOSING OF THE.

Speeches from the Throne. *See* "Speeches."

**Sessional Indemnity; twelve days' absence not chargeable; B. (164).**—*Mr. Angers.*

1st R., 838.
2nd R. *m.* (Mr. Angers) and agreed to, 838.
3rd R. *m.* (Mr. Angers), 838; remarks: Mr. Power, 838; Mr. Kaulbach, 839; Messrs. Boulton, McMillan, 840; M. agreed to, and B. passed on a division, 840.
Assent, 884.
(57-58 *Vict., cap.* 10.)

Ships, liens upon. *See* "Seamen's Act Amt. B."

Ships' loading gear. *See;*
"Inspection of Ships Act Amt. B."

Ships, Masters' and Mates' certificates, B. *See* "Masters."

**Ships, safety of, Act, further Amt.; three-feet winter deck-load to Newfld., U.S., St. Pierre, &c.; six-feet deck-load to W. I. and S. America; passenger gang-boards, &c.; B. (G).**—*Mr. Bowell.*

Introduced, and B. explained (Mr. Bowell), 199.
2nd R. *m.* (Mr. Bowell), 251; remarks: Messrs. Bowell, Power, Kaulbach, 251; M. agreed to, 252.
In Com. of the W.—On 1st clause; remarks: Mr. Power, 278; Messrs. Kaulbach, MacDonald, (P.E.I.), 279; Messrs. Power, Bowell, Kaulbach, 280; Messrs. Power, Macdonald, (P.E.I.), 281.
On 3rd clause; remarks: Mr. Power, 281; Mr. Bowell, 282. Amt. *m.* (Mr. Power) to add words "South America," 282; remarks: Messrs. Macdonald, (P.E.I.), Bowell, 282; M. agreed to, and clause adopted, 282.
On title of B.; remarks as to departure from English deck-load law, &c.: Messrs. Scott, Kaulbach, Bowell, 282.
B. reported (Mr. Vidal) from Com., with Amts., which concurred in*, 282.
3rd R.*. 286.
Concurrence in Amts. made by H. of C. *m.* (Mr. Bowell), 629. M. agreed to, 629.
Assent, 883.
(57-58 *Vict., cap.* 44.)

Short-hand writers, employment of.

Internal Economy Com. Report, recommending such assistance to Law Clerk, presented (Mr. McKay) and adoption *m.*, 250. M. agreed to, 251.

Short Line Ry. Bill.

Remarks on its being rejected by Senate.—In speech (Mr. Read, Quinté) on 2nd R. of Trade Combines B., 353.

Silver question, the. *See* "Tariff and Trade matters."

Sittings of House, extra.

M. (Mr. Bowell) for three sittings on Saturday, July 20, 857; M. agreed to, 857.

South Eastern Ry. bridge, subsidy. *See:*
"Railways, subsidies to, B."

South Shore Ry., subsidy. *See:*
"Railways, subsidies to, B."

Soutter, Mr., salary of. *See:*
"Internal Economy Com., 3rd Report."

Speaker's temporary absence, provision for. *See:*
"Senate, Speaker's temporary absence, &c., B."

**Speeches from the Throne.**

Opening of the Session.

Cordial reception of the Governor Genl. at different places. Increased volume of trade of the Dominion. Extension of commerce with G. B. Canada's freedom from depression. Revenues have been ample. Behring Sea award. Proposed tariff revision, 3. Proposed insolvency law. Increased ocean communication. Bills respecting Dominion lands; Indian affairs; Joint Stock Companies, Fisheries, &c., 4.
For the Address in reply. *See* "Address."

Prorogation.

Intercolonial conference and its results. France, Treaty with, ratification of. Customs tariff revision. Many public Bills passed. Travel and transportation, generous provision made for. Generous harvest hoped for, &c., 884-5.

Standard Electric Company. *See:*
"Ottawa Electric Co. B. (74)."

Standing Orders Committee.

Adoption of cl. of Report of Com. of Selection nominating, *m* (Mr. Bowell) 98. Substitution requested (Mr. Dickey) of Mr. Kirchhoffer; cl. so amd. and M. agreed to, 98.
(For the Reports on extension of time, &c., for Private Bills, *see* "Bills, Private.")

Stanley of Preston, Lord. *See:*
"Derby, the Earl of."

Statistics, official, unreliable.

See the discussion on French Treaty ratification B. (Mr. Tassé and others), 845-7-8.

**Steamboat Inspection Act Amt.; exemption of yachts, small tugs, fishing boats, dredges, &c.; B. (137).**—*Mr. Bowell.*

1st R.*, 635.
2nd R. *m.* (Mr. Bowell), 637; remarks: Messrs. Kaulbach, Bowell, 638; M. agreed to, 638.
3rd R.*, 676.
Assent, 883.
(57-58 *Vict., cap.* 46.)

**Steam Boiler and Plate Glass Insurance Co. Incorp. Act Amt.; to include insurance of engineers, &c., of the boilers insured; B. (35).**—*Mr. Power.*

1st R.*, 285.
2nd R. *m.* (Mr. Power); remarks: Messrs. Power, Scott, 289. M. agreed to and B. read 2nd time, 289.
3rd R.*, 364.
Assent, 882.
(57-58 *Vict., cap.* 125.)

Steamship, first across Atlantic; commemoration.

M. (Mr. Allan) for adoption of Library Com. Report, recommending plate, 309. Remarks on adoption of Report, pending its going through Commons: Messrs. DeBoucherville, Kaulbach, Allan, 309; M. agreed to, 309.
M. (Mr. Allan) for adoption 2nd Report Library Com., with further remarks, 521; M. agreed to, 522.

Steamship lines and subsidies. *See* debates on:
"France, Treaty with, ratification B."
"Ocean steam communication" (fast Atlantic line).

Steel manufacture, bounty B. *See* "Iron and Steel."

Strathroy and W. Counties Ry., subsidy. *See:*
"Railways, subsidies to, B."

Street, Major, retiring allowance of.
Inqy. (Mr. Boulton) as to amount; reply (Mr. Bowell), 143.

Subsidies, Ocean Steamship. *See:*
"Ocean Steamship Subsidies, B."

——— Railways. *See:*
"Railways, subsidies, B."

——— Railways (Land). *See:*
"Railways, land subsidies, B.

Sugar bounties and duties—*referred to on:*
"Customs duties (new Tariff) B."
"Iron and Steel bounties B."

Sugar industry. *See also* "Tariff and Trade matters" (generally).

Sunday Observance B. *See* Lord's Day."

**Supply Bill (171).**—*Mr. Bowell.*
1st R.*, 864.
2nd R.*, 864.
3rd R.*, 864.
Assent, 884.
(57-58 *Vict., cap.* 7.)

Tariff and Trade Matters, generally.
In Speech from the Throne.—Increased volume of Trade; extension of commerce with G.B.; Canada's freedom from depression; revenues ample; proposed tariff revision, 3.
In *m.* the Address in reply (Mr. Ferguson, P.E.I.).—Increased volume of trade, with G.B. and U.S., 8-9; tariff revision, 9, 10; commercial depression and Canada's banking system, 10; taxation, 10, 11; agricultural implements, 11, 12.
In seconding the Address (Mr. Casgrain).—Prosperity of the Dominion, 15; Bank reports, 15.
In the debate.—Mr. Angers: P.E.I., state of trade, &c., 64; Canada and the U.S. depression, exports to England, &c., 65-6.
Mr. Boulton: England an open market, 30; consumers paying the duties, 35; coal oil duties, 45; manufacturers' losses due to confined markets, 50; England a free trade market, 66; tariff and free trade questions, Canadian exports, &c., 71-2-3-4; coal oil production and duties, 74-5-6-7-8; agricultural implements, manufacture and export, 78-9; free trade, 79, 80, 81; the paper industry, 81.
Mr. Bowell: U.S. and Canadian fiscal policies, 23-4; volume of trade, 24-5, 27; farming and lumber industries, 28; agricultural implements and protection, 28-9; trade with Australia and the U.S., 28-9; with England, 30; P.E.I. dairying, 30; animal exports, 30; other exports and the fiscal policy, 31-2-3; past deficits and taxation, 33-4; cotton and sugar industries, 35; protection advocated, 36-7; coal oil duty, 44; tariffs and excise collections, 61; drawback on materials, 79; paper industry, 81.
Mr. Dever: English tariff, 61; customs and excise duties, 61; protection in the U.S., 65.
Mr. Dickey: trade with England, values, 40.
Mr. Kaulbach: manufacturers' delegations, 50; P.E.I. trade, 50; cotton and sugar industries, 50; trade in 1873-78 and since, 51; present prosperity, 51-2; tariff revision, 53.
Mr. McInnes (B.C.): U.S. depression under protection, 59, 60; tea duties, 59; U.S. silver bill, 59, 60; U.S. and Canadian tariff revision, 60, 61; Canadian and English excise revenue, 61.

Tariff and Trade Matters—*Continued.*
Mr. Macdonald (B.C.): P.E.I. meat in B.C., 64; U.S. depression and their tariff, 65; Canadian and U.S. paper export, 81; Washington Treaty and its results, 82.
Mr. Power: deficits since 1878, 33, 34; proposed tariff changes, 39; volume of trade, 40, 41; depression in U.S. and in the Maritime Provinces and Toronto, 41; tariff revision, 44, 45.
Mr. Primrose: stability and permanence of Canadian progress, 84.
Mr. Scott: volume of trade not due to fiscal policy, 16, 17; P.E.I. trade and census, 17, 18; taxation, sugar, 18; U.S. depression, due to protection, 19; proposed tariff revision, 20; trade with Australia, 22, 29; U.S. tariff, 34; manufacturers' dividends, 35; sugar duties, 35.
Mr. Smith: manufacturers' delegations, 44; use for coarse grains, 45; counterfeit silver, 60.

——— *See also* the debate on:
"France, Treaty with, ratification B."
*See also* the following:

Tariff, the new. *See:*
"Customs duties Act consolid. B."
Reference to course pursued by Govt. upon this B., in debate on 2nd R. of Electric Light Inspection B.: Oppcsition criticisms and Govt. replies, 693-699.
Reference to the Tariff revision B., in Speech from the Throne, at prorogation, 885.

Taxation. *See* "Tariff and Trade" (above).

Temperance Legislation. *See* "Prohibition."

Territories Game preservation B. *See:*
"North-west (Unorganized Territories)."

Territories, Land Titles Act, 1894. *See* "Land."

Territories. *See also* "N.W. Terries."

**Thompson, Joseph, Divorce B. (P).**—*Mr. Clemow.*
1st R.*, 224.
2nd R.*, 310.
Adoption of sixteenth Report of the Divorce Com. *m.* (Mr. Read, Quinté), no defence, and no minority report, 425; M. agreed to on a division, 425.
3rd R.*, 425.
Assent, 883.
(57-58 *Vict., cap.* 134.)

Tilsonburg, L. Erie and Pacif. Ry., subsidy. *See:*
"Railways, subsidies to, B."

Timber Culling. *See* "Cullers' Act Amt. B."

Torique Valley Ry., subsidy. *See:*
"Railways, subsidies to, B."

Toledo, Canada Southern and Detroit R.R. *See:*
"Canada Southern Ry. Co's. B."

**Trade, conspiracies and combinations in restraint of; Amt. of paragraphs (c) and (d) of sect. 520, Criminal Code of 1892; B. (AA).**—*Mr. Read (Quinté).*
1st R., 289; remarks: Messrs. Read (Quinté), Bowell, 289.
2nd R., *m.* (Mr. Read, Quinté), 350; remarks: on subject of B., Mr. Read (Quinté), 350; Messrs. Almon, Read, Poirier, 351; Mr. Read, 351-3; Messrs. Scott, Read, 353; Messrs. Scott, Read, Dever, 354; Messrs. Almon, Read, 355; Mr. Almon, 356; M. agreed to, and B. read 2nd time, 356.

**Trade conspiracies Act**—*Continued.*

In Com. of the W., Amt. *m* (Mr. Read, Quinté), 428: M. agreed to, 428; B. reported from Com. (Mr. Ogilvie) with an Amt., which concurred in, 428.
3rd R., *m.* (Mr. Read, Quinté), 460; remarks: Messrs. Almon, Scott, 460; M. agreed to, 460; remarks: respecting passing of B.; Messrs. Almon, Power, Murphy, Miller, 461; B. passed, 461.

Trade. *See also* "Tariff and Trade" (above).

Translation of Bills. *See* "French translation."

Treaties and Arbitration. *See* "Arbitration."

**Trust Corporation of Canada Incorp. B. (D).**—*Mr. Lougheed.*

2nd R. *m.* (Mr. Lougheed), 155; remarks: Mr. Allan, respecting change of name, 156; Mr. Lougheed, 156; M. agreed to, 156.
B. reported from Banking Com. (Mr. Allan) with Amts., which explained; change of name of Co.; the trust defined, &c., 250; M. (Mr. Lougheed) for consideration of report to-morrow, 251; agreed to, 251.
Report of Banking Com.: adoption *m.* (Mr. Lougheed) 265; remarks: Messrs. Power, Allan, Lougheed, 265; Mr. Bowell, 266; M. agreed to, 266.
3rd R. *m.* (Mr. Lougheed) 273; Amt. *m.* (Mr. Power) change of name of Co., 273; remarks: Mr. Lougheed, 273; Messrs. Allan, Power, 274; the Amt. withdrawn by Mr. Power, and the B. 3rd R., 274.
M. (Mr. Allan) that consideration of Commons Amts. be postponed, 521; M. agreed to, 521.
Concurrence in Amts. of H. of C. *m.* (Mr. Lougheed), 627; remarks: Mr. Power, 627; Mr. Lougheed, 628. Order discharged till to-morrow.
On Order for consideration of Amts. of H. of C., M. (Mr. Lougheed) for concurrence in Amts., except 2nd and 4th, 630; remarks: Messrs. Lougheed, Vidal, Miller, Power, 630; Messrs. Lougheed, Miller, DeBoucherville, Power, Bowell, 631. Order discharged till to-morrow, 631.
M. (Mr. Lougheed) that Amts. of H. of C. be concurred in excepting Nos. 2 and 4, 634; remarks: Messrs. Lougheed, Miller, 634; M. agreed to, 634; Amt. *m.* (Mr. Lougheed) that House do not concur in Amts. Nos. 2 and 4, giving reasons, 635. M. agreed to, 635.
M. (Mr. Lougheed) that Amts. Nos. 2 and 4 be now concurred in, 644; remarks: Mr. Power, 644; M. agreed to, 645.
Assent, 882.
(57-58 *Vict., cap.* 115.)

Tunnel to P.E.I. *See* "P.E.I."

United Counties Ry., subsidy. *See:*
"Railways, subsidies to, B."

United States and annexation sentiments.
Remarks in debate on the Address.—Mr. Angers, 66; Mr. Scott, 66.

United States and Behring Sea award.
In Speech from the Throne, 3.
In *m.* the Address in reply (Mr. Ferguson, P.E.I.), 13.
In the debate, Mr. Angers, 62-4; Mr. Boulton, 56, 69, 70; Mr. Bowell, 37; Mr. Kaulbach, 48-9; Mr. McInnes (B.C.), 54-5-6-7-8-9, 63; Mr. McKay, 57; Mr. Macdonald (B.C.), 43, 64, 81-2-3; Mr. Power, 41-2-3; Mr. Scott, 21.

United States and Behring Sea award—*Contd.*
Inqy. (Mr. McInnes, B.C.), as to truth of report of Inqy. in Imperial H. of Commons, compensation not asked for, 154; reply promised (Mr. Bowell), 155.
Further Inqy. (Mr. McInnes, B.C.), 199; reply (Mr. Bowell), no compensation claimed under present Imperial Bill; past claims not affected, 199.
Explanation (Mr. Bowell) of a cablegram, remarks in Imperial Parlt. on above Inqy. Comment on unsafety of dealing with cablegrams filtered through U.S., 226.

United States cablegrams, unreliable. *See* the above.

United States, trade relations, state of, &c
*See* "Tariff and Trade."

United States, Washington Treaty.
Remarks in debate on the Address: Mr. Macdonald (B C.), 82.

Unorganized Territories, Game preservation.
*See* "N.W. (unorganized) Terries., &c., B."

Van Straubenzie, Lt.-Col., retiring allowance.
Inqy. (Mr. Boulton) as to amount of, 142; reply (Mr. Bowell), 143.

Vessels' deck-loads. *See* "Ships, safety of, B."

Vessels, liens upon. *See* "Seamen's Act Amt. B."

Vessels' loading gear. *See:*
"Inspection of Ships Act Amt. B."

Vessels, Masters', &c., certificates. *See* "Masters, &c."

Victoria Govt., visits of members of.
(Sir Henry Wrixon). Announcement (Mr. Bowell), introduction to Speaker, seat near the Throne, 636.
(Hon. N. Fitzgerald). Similar announcement (Mr. Bowell), and courtesies extended, 639.

Villiers, Lt.-Col., retiring allowance.
Inqy. (Mr. Boulton) as to amount of, 142; reply (Mr. Bowell), 143.

Vinegar, adulteration. *See* "Fraudulent sale, &c., B."

Voters' Lists, revision. *See* "Electoral Franchise Act Amt."

**Voters who have taken bribes, disfranchisement; B. (6).**—*Mr. Dickey.*

1st R.*, 485.
2nd R. *m.* (Mr. Dickey), 498; remarks: Messrs. Almon, Scott, 498; Messrs. McKay, Almon, Power, Reesor, Scott, 499; M. agreed to, 499.
2nd R., 499.
In Com. of the W., 526-7; Mr. Kaulbach, 527; B. reported from Com. (Mr. Perley), without amt.
3rd R., 527.
Assent, 883.
(57-58 *Vict., cap.* 14.)

Washington Treaty and its results.
Remarks in debate on the Address: Mr. Macdonald (B.C.), 82.

Watters, Judge, salary of. *See* debate on:
"Judges of Provincial Courts B."

**Welland Power and Supply Canal Co. (Limited) Incorp. B. (49).**—*Mr. McKindsey.*

1st R.*, 426.
2nd R.*, 483.
3rd R. (*m.* by Mr. McCallum)*, 580.
Assent, 883.
(57-58 *Vict., cap.* 102.)

Western Canada Trust and Guarantee Corporation. *See:*
"Trust Corporation of Canada."

Western Counties Ry., purchase. *See:*
"Dominion Atlantic Ry. Co."

Whiskey, manufacture of. *See:*
"Inland Revenue Act Amt. B."

Windsor and Annapolis Ry. Co's. B. *See:*
"Dominion Atlantic Ry. Co."

Wine importation and manufacture. *See* debate on:
"France, Treaty with, ratification B."
"Inland Revenue Act Amt. B."

Winnipeg and Atlantic Ry. Co.: agreement with, sanctioned. *See:*
"Duluth, Nepigon and James Bay Ry. Co's. B."

Winnipeg and Hudson Bay Ry. Co. (name changed, &c.) *See:*
"Winnipeg Great Northern Ry. Co."

Winnipeg and Hudson Bay Ry.—*referred to also on:*
"Hudson Bay Ry. construction B. (BB)."

**Winnipeg Great Northern Ry. Co.; time for construction extended; name of Co. changed; B. (22).**—*Mr. Sutherland.*

Introduced *, 347.
2nd R. *m.* (Mr. Sutherland) for, 363. Remarks: Messrs. Kaulbach, Sutherland, 363. M. agreed to, 363.
3rd R.*, 384.
Assent, 882.
(57-58 *Vict., cap.* 94.)

Witnesses before Senate or Commons, or Committees. *See:*
"Parliamentary Witnesses Oaths B."

**Wolseley & Fort Qu'Appelle Ry. Co. Incorp. B. (N).**—*Mr. Perley.*

1st R.*, 224.
2nd R.*, 264.
Reported from Ry. Com. with Amts., which explained (Mr. Dickey), 288.
Adoption of Report *m.* (Mr. Perley), for the two Amts. suggested, narrower gauge if wished, and voting by proxy at annual meetings, 299; M. agreed to, 299.
3rd R.*, 299.
Assent, 882.
(57-58 *Vict., cap.* 95.)

Woman's Christian Temperance Union B. *See*
"Dominion."

**Wood Mountain & Qu'Appelle Ry. Co.; time for construction extended; B. (R).**—*Mr. Bernier.*

1st R.*, 226.
On Order for 2nd R.: M. (Mr. Lougheed) for discharge of Order, B. having been introduced in Commons, 226. Remark on procedure: Mr. Miller, 226. Leave asked (Mr. Bernier) to withdraw the B., 226; withdrawn accordingly, 226.

*See*, subsequently, the following Bill.

**Wood Mountain & Qu'Appelle Ry. Co.; time for construction extended; B. (20).**—*Mr. Bernier.*

*See*, previously, the preceding Bill.

1st R.*, 229.
2nd R.*, 264.
3rd R.*, 264.
Assent, 882.
(57-58 *Vict., cap.* 96.)

Woodstock & Centreville Ry., subsidy. *See:*
"Railways, subsidies to, B."

World's Fair. *See* "Chicago Exhibition."

Wrixon, Sir H., of Victoria Govt.

Introduction (Mr. Bowell) and invitation to seat near Throne, 636.

Yarmouth & Annapolis Ry., purchase. *See:*
"Dominion Atlantic Ry. Co."

York, the Duke of, birth of a son.

Inqy. (Mr. Read, Quinté) as to intention to pass an Address, 692; reply (Mr. Angers), it is the intention, 693.
M. (Mr. Angers) for joint congratulatory Address of Parlt. to the Queen, 726; seconded (Mr. Scott), 726; M. agreed to, 726.
M. (Mr. Angers) for a congratulatory message to the Duke and Duchess, 726; M. agreed to, 726.
M. (Mr. Angers) for an Address to His Ex., requesting him to transmit the message, 726.

**Youthful Offenders; separate custody and trial, punishment, &c.; B. (Y).**—*Mr. Allan.*

1st R.*, 277.
2nd R., *m.* (Mr. Allan) and B. debated upon: Messrs. Allan, Poirier, Masson, Bowell, 300; Mr. Masson, 301; Mr. Allan, 301-303; Mr. Scott, 304; Mr. Allan, 303-4; Mr. DeBoucherville, 304; Messrs. Allan, Kaulbach, Dickey, 305; Mr. Allan, 306; M. agreed to, 306.
In Com. of the W.: on 1st cl., *m.* (Mr. Allan) that the word "sixteen" be substituted for the word "seventeen" in the cl. M. agreed to and cl. adopted, 348.
On 2nd cl., remarks: Messrs. Power, Allan, respecting separate buildings or stations, 348-9; Messrs. Vidal, Allan, Power, that the word "with" be substituted for the word "for" in the 35th line, 349. Cl. as amended was adopted, 349.
On 4th cl., remarks: Messrs. Allan, Drummond, respecting boys under 12 and girls under 13, 349; *m.* (Mr. Allan) that the word "shall" be substituted for the word "may" in the 9th line, 349. Cl. as amended was adopted, 349.
On sub-cl. (*a*), remarks: Mr. Allan, respecting placing child in foster home, 349. Mr. Sanford, respecting time of binding child in sub-cl. (*b*), 349; Mr. Allan, 349. Cl. was adopted, 350. B. reported from Com. (Mr. Lougheed) with Amts., which concurred in, 350.
3rd R.,* 360.
Assent, 883.
(57-58 *Vict., cap.* 58.)

——— in N. B., Reformatory. *See:*
"New Brunswick, Juvenile Offenders, custody, B."

02-22 STD ECO
8 032919 996824
www.colibrisystem.com

UNIVERSITY OF ILLINOIS-URBANA
3 0112 127115001